

# **SALT LAKE COUNTY CRIMINAL JUSTICE SYSTEM ASSESSMENT**

**Prepared for the  
SALT LAKE COUNTY  
CRIMINAL JUSTICE ADVISORY COUNCIL  
SALT LAKE CITY, UTAH**

**April 28, 2004**

**INSTITUTE FOR LAW AND POLICY PLANNING  
2613 Hillegass Avenue, Berkeley, CA 94704  
(510) 486-8352**



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P.O. Box 5137  
BERKELEY CA 94705  
(510) 486-8352  
FAX (510) 841-3710  
WWW.ILPP.COM  
PLANNERS@ILPP.COM

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Dear County Mayor Workman and CJAC Members:

Salt Lake County experienced severe jail crowding at the former Metro Jail, then built an expensive new facility that quickly became crowded itself. The consequence has been a serious budget crisis that has policy makers debating the next best course of action to deal with diminishing resources and rising jail costs. It has come to a point where the County Mayor and the Sheriff, in particular, have seen the need to step back and examine the underlying problems in order to consider possible solutions.

The jail is crowded because of one primary reason: the average length of stay for inmates has doubled since 1997. This is a system problem that is rooted in a variety of leverage points where changes are needed to reduce delay and congestion.

This report is driven by the County's RFP for a population and system study, as well as the insights and values of the leaders in all the justice system agencies who provided data and extensive interviews with the ILPP team. During the course of the study, ILPP found that Salt Lake County has capable and committed criminal justice officials and a justice system with some terrific aspects. The aim of ILPP's work was to focus on ways to improve the system while making it more cost efficient.

The final report has been revised and edited based on the feedback and comments from the draft report. It is now complete and contains many new aspects, including an Executive Summary and Action Plan. ILPP invites you to read the document in its entirety, without moving directly to your own agency's section. This approach to reading will enable you to see how the practices of each agency impact the others, and in what overall direction ILPP believes the system must migrate.

ILPP wants this study to be of great use by the County's policy makers. Please call upon us with questions regarding the implementation of the recommendations.

Sincerely,

Alan Kalmanoff, PhD, JD, MSW  
Executive Director

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## ACKNOWLEDGEMENTS

ILPP's criminal justice system assessment of Salt Lake County was made possible by the excellent support of Salt Lake County's justice agencies. The County Mayor, County Council, Sheriff's Office, Jail, District Court, Justice Courts, District Attorney's Office, Criminal Justice Services Division, Legal Defender's Association, Adult Probation and Parole, Police Departments, and Criminal Justice Advisory Council provide access to requested records and facilities. Various personnel gave full cooperation by making themselves available for numerous interviews with consultants, despite compacted schedules. ILPP thanks Salt Lake County for that assistance.

## ILPP PROJECT TEAM

Alan Kalmanoff, PhD, JD, MSW  
ILPP, Executive Director  
Project Director

Thomas Eberly, MA  
ILPP, Senior Criminal Justice Planner  
Population Studies & System Assessment

David Voorhis, MPA  
Previous Sheriff & Police Chief, Boulder  
Corrections Assessment

David Houtman  
Court Administrator, Orange County  
Courts Assessment

Frank Goodroe  
Court Administrator, Nebraska Supreme Court  
Courts Assessment

Kent Hall  
Previous Public Defender, Missouri  
Legal Defender & Prosecution Assessment

Vicki Markey, MS  
Retired Deputy Chief Probation Officer, San Diego  
Probation & Community Corrections Assessment

Thant Oo  
ILPP, Chief Technology Officer  
Information Technology Assessment

David Moulton, PhD  
ILPP, Senior Analyst  
Budget Assessment & Population Projections

## EXECUTIVE SUMMARY

### IMPETUS FOR THE STUDY

The Institute for Law & Policy Planning (ILPP) was engaged by Mayor Workman on behalf of the Criminal Justice Advisory Council to conduct a comprehensive Criminal Justice System Assessment. The impetus for the study was crowding at the Metro Jail, a facility that opened in January 2000 and shortly thereafter reached near capacity. Crowding occurred despite a decrease in the overall crime rate and the existence of various jail population control mechanisms.

The system assessment's goals were: 1) find ways to reduce current and future jail populations, 2) provide recommendations for alternatives to incarceration, and 3) provide a planned process for implementation of the study's recommendations.

### ANALYSIS OF THE METRO JAIL

ILPP performed two major statistical analyses to determine the primary causes of the growing inmate population: an *inmate tracking analysis* to look for delays in the case flow and a *profile analysis* to analyze the seriousness of the current inmate population. The analyses clearly revealed that **the growth in jail population was due to a dramatic increase in the average length of stay (ALOS) for inmates**. Compared to 1997, when ILPP first conducted a study of the old Salt Lake County Jail, the ALOS at the Metro Jail has more than doubled to 29 days. Doubling the ALOS and then multiplying it by the thousands of offenders that enter the jail has led to a rapid increase in the jail population.

The increase in the ALOS has been driven by numerous factors, but the two most significant are:

#### 1) Pretrial Incarceration

Despite a good pretrial release program, many pretrial detainees are held for prolonged periods of time awaiting adjudication. The data revealed that accused offenders, when not released within the first few days of arrest, spent an ALOS of 67 days, even though more than half of these offenders were charged with misdemeanor offenses.

#### 2) Sentences to Jail

The average inmate sentence was 253 days; remarkably 46% of the adjudicated inmates had a sentence of one year or longer. Sentences imposed by the Justice Courts varied considerably with jail terms averaging between 34 days (Draper) and 180 days (Taylorsville).

The jail analyses also revealed:

- Several cities have particularly high booking rates in relation to their population size and crimes rates (i.e., South Salt Lake, Salt Lake City, West Valley, and Midvale).



- The jail is a maximum security facility, yet a vast majority of the inmates are classified as minimum and medium risk inmates. Nearly two-thirds of the arrestees booked into the jail were charged with misdemeanor offenses.

## LEVERAGE POINTS IN THE CRIMINAL JUSTICE SYSTEM

The increase in the jail population and system costs is attributable to deficiencies at key “leverage points” in the justice system. Employing information obtained from the jail data analyses, observations, and interviews, ILPP identified many of these leverage points including the following:

- **A uniform arrest policy does not exist** in Salt Lake County. As a result there is differential jail use among cities and an inefficient use of city taxpayer resources in needless transportation to the jail.
- **Pretrial release options are not broad** and would improve through incorporating elements such as objective risk assessments, electronic monitoring, and day reporting.
- **Municipalities and their Justice Courts overly rely on the jail** because they have not developed their own offender management structures, or community corrections program, for a more cost-effective administration of justice.
- **The Justice Courts’ sentences to jail vary considerably** from jurisdiction to jurisdiction, often resulting in excesses. Justice Court judges have no financial incentives, positive or negative, to keep the jail population down.
- **The Sheriff Office’s authority is circumvented.** Authority given to the Sheriff’s Office to better manage the offender population, such as booking restrictions and good time, is circumvented (intentionally and unintentionally) by justice system officials.
- **Continuances and scheduling delays are common in the District Court** and result in extending the length of cases. This results in a backlog of pending cases not just in the Court, but also the District Attorney’s Office and Legal Defender’s Association. The jail is impacted as pretrial detainees are held longer while awaiting adjudication.
- **The two-tiered court system is problematic.** The County’s former district court and circuit court were consolidated into a single court in 1996, yet the proliferation of Justice Courts has rebounded to a two-tiered court system that is neither coordinated nor managed as a cohesive system.
- **Case priorities are not set.** State rules of criminal procedure do not set priorities for cases where the offender is not granted pretrial release; this should be compared to many jurisdictions nationally where there are stringent time requirements for first appearance and for preliminary hearings.<sup>1</sup>

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<sup>1</sup> The Utah Rules of Criminal Procedure has a “speedy trial” requirement of thirty (30) days, but this deadline is rarely enforced because it is nearly impossible to bring a felony case to trial within that time frame.

- **Drug Courts have inappropriate participants.** Both Salt Lake City and Salt Lake County Justice Drug Courts need to “weed out” all inappropriate participants (e.g. those not needing intensive intervention) and refer these individuals to less expensive alternatives. As they now operate, these Courts are more specialty calendars than true drug court operations.
- **Waiting lists for substance abuse treatment are too long** (four months for residential and eight weeks for out patient treatment), causing wasteful delays and crowding.
- **The County has not developed a plan for reduced resources.** The County has not developed a plan for the “trickle down effects” of dwindling state resources at a time when State laws demand more “toughness.” This equates essentially to “unfunded mandates” as the pressure on managing these offenders now falls into the lap of the jail (the most expensive local resource available).
- **The Criminal Justice Advisory Council has developed into a briefing forum rather than a management that can provide leadership.**

## KEY RECOMMENDATIONS FOR THE CRIMINAL JUSTICE SYSTEM

ILPP’s analysis has yielded over sixty recommendations for enhancing the efficiency and effectiveness of the criminal justice system. The recommendations were often made with a broad lens and seek to reduce the sticking points that lead to system congestion and ultimately to jail crowding and high costs. Primary recommendations include:

1. Adopt a **countywide field citation release policy** that includes circumstances and offenses suitable for citation releases and supervisory review requirements on discretionary arrests.
2. Create a **pre-processing intake center** at the Metro Jail to compliment new regional booking centers.
3. Develop **sentencing guidelines and a continuum of sanctions at the Justice Court** level that favor community-based sanctions rather than incarceration at the jail.
4. **Discontinue accepting Class B misdemeanants** at the Metro Jail with the exception of certain offenses such as DUI and violation of protection from abuse orders.
5. Establish through legislation that pre-trial and sentenced inmates from all courts are ultimately to the “**custody of the Sheriff**,” whereby the Sheriff can move offenders between the jail and various alternative programs based on custody factors and behavior.
6. Assist the municipalities in developing a **strategic plan for a minimum-security detention facility** that can be implemented if other avenues of controlling the jail population do not prevail.

7. **Encourage appeals of justice court convictions that result in excessive or disproportionate sentences**, especially when the sentence is in lieu of payment of a fine, so long as the interest of the individual client in each case is served.
8. **Create a new case management system at the District Court** that supports case time standards.
9. **Develop consolidated or regional mental health and drug courts** at the Justice Court level.
10. **Institute municipal-level community service programs** that provide a method for defendants to work off fines and costs.
11. **Develop a 48-hour DUI intervention program** (in lieu of jail) similar to ones used in Ohio and Kansas.
12. **Expand the community custody program** to include additional lower risk inmates especially those who have been incarcerated for failure to pay fines/costs.
13. Work toward the goal of conducting a **substance abuse assessment prior to placing offenders** in programs to ensure that treatment resources are appropriately utilized.
14. **Restructure the Criminal Justice Advisory Council** so that it becomes an engine of coordination, collaboration, and change.
15. **Hire a criminal justice coordinator to facilitate CJAC** and implement the recommendations of this report and previous studies.

ILPP stresses that these recommendations must be implemented, or expensive new jail beds will be needed in the immediate future.

# 1. INTRODUCTION

## BACKGROUND

The Institute for Law & Policy Planning (ILPP) was engaged by Salt Lake County to perform a comprehensive Criminal Justice System Assessment. The increase in the jail population has been of particular concern to the county. This concern led the Sheriff to call for a study of alternatives, but also to plan for new construction. This report focuses primarily on the alternatives to new construction, but also gauges system wide trends and development needs.

In 1997, ILPP completed a study of *Alternative Strategies for Providing Adequate Jail Facilities* for the Salt Lake City Corporation. The 1997 study reviewed a number of the same agencies that are covered in this report and presented an action plan detailing numerous recommendations to be implemented. Below is a summary of the action plan included in the 1997 report.

### A. System Management Recommendations

1. Formalize the Criminal Justice Advisory Council (CJAC).
2. Further enable CJAC to provide research, analysis, leadership and coordination.
3. Establish CJAC procedures for sharing information.
4. Seek clarification of jail release types.
5. Expand work furlough and weekend sentencing programs at Oxbow.
6. Expedite Pretrial Services supervised releases.
7. Establish an expanded pretrial day reporting center.
8. Develop and implement uniform arrest standards.
9. Establish a centralized mechanism to identify needs and improve coordination between agencies.
10. Establish one criminal department in Division One of the district court.
11. Establish an Adult Mediation Center (AMC) Program for misdemeanor offenders.
12. Implement procedures for reducing delays in felony cases.
13. Establish arraignment Court at Jail.
14. Develop procedures that allow Division Two judges to accept pleas in felony cases and to impose sentences.
15. Consider prosecuting violation of probation only where the probationer commits a new offense that is less serious than the probationary offense.

### B. Alternatives to Incarceration

16. Conduct re-classification study of in-custody inmates.
17. Expand drug and alcohol treatment availability.
18. Create a range of pretrial alternatives to custody.
19. Create a range of post-sentence alternatives to custody that insure punishment.

### C. Facilities

20. A detailed county needs assessment should be done before additional facilities are planned.
21. Future facility plans should probably include a minimum level facility.

## PROJECT PURPOSE AND SCOPE

The goal of this project is to comprehensively examine the state of criminal justice in Salt Lake County and work with county leaders toward developing long-term strategies for alleviating jail crowding and for providing quality services given a future of limited resources.

To carry out the study, ILPP used a two-phase approach. First, Consultants examined the jail population to identify the nature of the population that goes through the jail and to project the size and type of population the jail might house over the next 5, 10, and 20 years. Second, Consultants used these findings along with extensive data from other areas to assess the both the relationship of individual agencies to each other and the overall impact on efficiency and effectiveness.

ILPP reviewed all elements of the criminal justice system, including:

- Law Enforcement (Chiefly Salt Lake County Sheriff's Office and Salt Lake Police Department)
- Prosecution
- Defense
- Judiciary (District Court and Municipal Justice Courts)
- Adult Detention
- Pretrial Release and Community Corrections
- Government (County Council, County Manager's Office)

## REPORT ORGANIZATION

This report presents the Consultant's assessment of the county's criminal justice agencies. Expert practitioners met with key personnel from all criminal justice agencies to identify issues, collect data and discuss concerns. There is no finding contained within this report that was not identified by the local representatives of the Salt Lake County system.

Findings and Recommendations are based on interviews and objective data provided by county and state agencies, and feedback from the Criminal Justice Advisory Council.

The report follows this outline:

Jail Tracking and Profile Studies analyze the population of the detention facility. The inmate tracking analysis is a study of the "flow" of arrestees and inmates through the jail, from the time of booking until release. This information can be used to identify system issues, such as points in the flow that can be made more efficient or the need to develop policies or procedures that will make the system more effective. A profile of the jail population on a given day is useful for determining housing needs and classification levels within the jail, as well as for long-term planning purposes. When used in conjunction with an inmate tracking study, the profile analysis can compare those who pass through the booking process (tracking) with those who stay in jail after booking (profile).

The System Assessment provides an extended executive summary of key points, overall. This chapter also identifies a series of issues that have a serious impact on criminal justice goals and that are the result of no single agency's actions, but of concern to the entire system.

Managing the Resources discusses how the county's administration is affected by and can affect criminal justice operations. This chapter also presents administrative topics common to all criminal justice agencies including budgeting of services and management of information electronically.

Managing the Flow reviews law enforcement agencies and practices involved in managing the "intake" or "input" of the system.

Managing the Case explores the criminal court adjudication process, which involves the courts (judges, clerk and administrator), prosecution and defense.

Managing the Offender reviews Salt Lake County's correctional system, including alternatives to incarceration, pre-trial services, probation and various forms of custody.

The Appendices include sources of information used for this report, a list of persons contacted, and additional background data and resources.

## 2. POPULATION STUDIES

Jail population studies are an integral part of ILPP's evaluation of criminal justice system operations. Two types of studies are conducted to determine how criminal justice resources are currently used and to identify system issues that can be addressed through more effective and/or efficient system management. The *inmate tracking analysis* looks at arrestees booked into the jail over a given time frame and the *inmate profile analysis* provides a snapshot of a jail's population on a given day.

### TRACKING ANALYSIS

The inmate tracking analysis examines the flow of arrestees and inmates through the county jail from the time of booking until release and provides valuable information on how arrestees and inmates move through the criminal justice system. The information obtained from a tracking study can be used to identify criminal justice issues, such as points in the flow that can be more efficient, effective, and/or productive.

ILPP uses the tracking analysis model recommended by the National Institute of Corrections (NIC). Based on this model, records for the 575 inmates that were released from jail during the week of October 2<sup>nd</sup> to October 8<sup>th</sup>, 2003 were researched to identify the significant factors of their incarceration. The research began with raw data from the jail's record management system on the selected inmates. Data was then collected from the inmate's jail file, including sources such as the police report, journal entries from the court, and good-time calculation sheets. The raw data from the jail was then merged, through a statistician spreadsheet program (SPSS), with the information obtained in the paper files to yield a comprehensive and complete data bank on the inmate sample. Significant figures from the analysis are outlined below.

#### a) *Demographics*

A large majority of the offenders in the tracking sample were male, Caucasian, single, employed, and a resident of Salt Lake County. Although 47% of the offenders were under the age of twenty-nine, the average age for the inmate population was 33 years old. Slightly more than half of the tracking sample failed to complete high school. Drugs and/or alcohol use was common among the offenders.

Sex: 82% male and 18% female

Race: 66% Caucasian, 21% Hispanic, 6% Native American, 4% African-American and 3% Asian/Pacific.

Age:

18-23 years old	24%
24-29 years old	23%
30-35 years old	17%
36-41 years old	15%
42-47 years old	13%
48 or older	8%

- The average age of inmates in the tracking sample was 33 years old.

Marital status: 61% single, 15% married, 24% divorced/separated, and 1% widowed<sup>1</sup>

- Altogether, more than half of the offenders had a child (18%) or children (37%). Of those individuals with at least one child, 55% did not live with their offspring (although 78% were still responsible for support).

Education: 53% did not complete high school, 33% completed high school, and 14% attended college

Employment status: 33% unemployed and 67% employed

- Four out of every five employed inmates (81%) had full-time jobs.

Residence:

Salt Lake City	23%
West Valley	16%
Sandy	6%
Murray	5%
West Jordan	5%
Kearns	3%
Midvale	3%
South Salt Lake	3%
Taylorsville	3%
Other Utah city	30%
Out of state	3%

- Slightly more than half of the offenders (52%) in the tracking sample were born in Utah.

Length at residence:

One month or less	16%
2-6 months	26%
7-12 months	19%
13-24 months	12%
25-36 months	5%
More than 37 months	22%

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<sup>1</sup> Amount exceeds 100% due to rounding.



Alcohol/drug use: 56% admitted current or past use of alcohol and/or drug use, while 44% denied use of alcohol or drugs.

***b) Charge and Offense Related Factors<sup>2</sup>***

The Salt Lake City Police Department arrested the largest number of offenders in the tracking sample (20%). The Sheriff's Office also made a substantial number of arrests, but they were largely related to court and jail duties whereby offenders are turned over to the custody of the Sheriff (the Patrol Division of the Sheriff's Office accounted for 6% of the arrests). West Valley Police Department and Utah Highway Patrol each brought in 9% of the offenders.

Arresting agency:

Salt Lake City Police	20%
Sheriff- Court/Jail Services	14%
West Valley Police	9%
Utah Highway Patrol	9%
Sheriff- Patrol	6%
South Salt Lake Police	6%
AP&P	4%
Sandy Police	4%
Other	27%

Nearly two thirds of the jail bookings (62%) were for misdemeanor level offenses. Bookings for first-degree felonies were relatively rare. Property-related crimes (e.g., theft, stolen auto, forgery) were the most prevalent type of offense booked. Public order (e.g., carrying a concealed weapon, violation of protection order, disorderly conduct), drug (e.g., possession of a controlled substance, trafficking, prescription abuse), and DUI offenses were also common. Together, these four categories of crime accounted for 62% of the offenses brought into the jail.

The District Court presided over half of the inmate cases (52%), while Justice Courts handled most of the other half (43%). Five percent of the cases were processed by other courts (e.g., Federal, juvenile, out of county).

Offense level:

Felony 1	3%
Felony 2	10%
Felony 3	25%
Misdemeanor A	13%
Misdemeanor B	40%
Misdemeanor C	9%

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<sup>2</sup> Charge and offense factors are based on the most serious offense.

Offense type<sup>3</sup>

Property	20%
Public order	14%
Drug	14%
DUI	14%
Domestic violence	9%
Violence	7%
Traffic	6%
Contempt	5%
Sex	3%
Probation/parole violation	3%
Federal inmate	1%
Other	4%

Assigned court: 52% District Court, 43% Justice Courts, 5% other

**c) Booking and Release Variables**

Offenders were booked into the Salt Lake County Jail throughout the day, with a slight peak in the late afternoon/early evening hours. Overwhelmingly, most offenders entered the jail after an arrest on a charge (34%) or arrest on a warrant (43%, including bench warrants). Just over ten percent of the offenders in the tracking sample were committed to jail (i.e., “sentenced to jail” and “jail or pay”).

Booking times:

0-400 hours	17%
401-800 hours	11%
801-1200 hours	18%
1201-1600 hours	21%
1601-2000 hours	20%
2001-2400 hours	13%

- ▶ The point of arrest to arrival at the jail took an average of 54 minutes.
- ▶ It took approximately two hours and forty-five minutes for an offender to go from initial intake to officially booked at the jail.
- ▶ One third of the inmates (33%) booked into jail were under the influence of drugs and/or alcohol. Booking information (from JEMS) also revealed that 3% of the inmates required medical attention and another 1% were in need of mental health services.

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<sup>3</sup> Offenses were grouped into categories for the purpose of the analysis. Examples of each category are as follows: **Violent**- assault, homicide, robbery, kidnapping; **Sex**- rape, sex abuse of a minor, sexual assault; **Property**- theft, passing bad checks, arson, auto theft, criminal damaging; **Drug**- possession of controlled substance, drug paraphernalia, clandestine lab operation; **Public order**- disorderly conduct, prostitution, solicitation, escape, weapons violations; **Domestic violence**- domestic violence, child abuse, protective order violation; **Traffic**- driving under suspension, no driver’s license, speed; and **DUI**- driving under the influence of alcohol or drugs.

Booking reason:

Arrested on new offense	34%
Arrested on warrant	34%
Arrested on bench warrant	9%
Sentenced to jail	9%
Jail or pay	4%
Probation/parole	3%
Hold for other agency/fugitive	3%
Bond revoked	2%
Other	2%

- Nearly three-quarters of the offenders (73%) were booked into the Salt Lake County Jail on a previous occasion.

Holds: 83% none, 6% AP&P, 6% other police department 2% immigration, 2% Federal, and 1% other

Unlike booking times, most releases occurred in the early morning or late evening hours. Generally, the offenders in the tracking sample were released through some pretrial mechanism (43%), such as a bail agency, pretrial services, own recognizance bond, or cash bond. Twenty percent of the inmates were released due to time served, and another nine percent were court ordered released.

Release times:

0-400 hours	16%
401-800 hours	21%
801-1200 hours	16%
1201-1600 hours	19%
1601-2000 hours	6%
2001-2400 hours	20%

Release reason:<sup>4</sup>

Time served	20%
Released by bonding agency	20%
Pretrial supervised release	12%
Court ordered release	9%
OR bond	8%
Released to other agency	7%
Fail to file	5%
Released from intoxication hold	5%
Cash bond	3%
Released to probation/parole	3%
Transferred to prison	3%
Transferred to treatment program	2%
Fines or costs paid	2%
Other	2%

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<sup>4</sup> Amount exceeds 100% due to rounding error.

**d) Bond**

Overall, just over half of the bonds (51%) imposed on offenders in the tracking sample were for \$2,500 or less, and 67% were \$5,000 or less. The median bond amounts rose incrementally with the seriousness of the offense, with the exception of Class A misdemeanors which were essentially on par with third degree felonies (\$5,000 bonds, on average). Drug and sex crimes typically received the highest bond figures (\$10,000 each). Public order offenses, in contrast, were generally associated with low bail amounts.

Bond amounts:

Ineligible	12%
\$1- 1,000	16%
\$1,001- 2,500	35%
\$2,501- 5,000	16%
\$5,001- 10,000	10%
\$10,001- 100,000	10%
\$100,001 or more	1%

- The median bond amount imposed was \$2,500.

Median bond amounts by offense levels:

Felony 1	\$35,000
Felony 2	\$20,000
Felony 3	\$5,000
Misdemeanor A	\$5,000
Misdemeanor B	\$1,500
Misdemeanor C	\$200

- The median bond amount for the District Court was \$10,000. The amount for the Justice Courts, on the other hand, was \$1,500.

Median bond amounts by offense type:

Drug	\$10,000
Sex	\$10,000
Violence	\$8,750
Property	\$6,500
Probation/parole violation	\$4,000
Contempt	\$3,750
Domestic violence	\$2,500
DUI	\$1,500
Traffic	\$1,500
Public order	\$550

### *e) Pretrial Detention*

In the tracking sample, 443 offenders were brought into the jail on a charge, warrant, or bench warrant. Of these offenders, 49% were released on some form of pretrial release (e.g., cash bond, own recognizance, supervised release, and etc.) Another 7% were released because prosecutors failed to file or no complaint was issued, and 5% were discharged to another law enforcement agency. Thus, 39% of the offenders brought into the jail on a charge or warrant arrest were detained while awaiting adjudication. The average length of stay (ALOS) for those offenders released during pretrial was four days. In contrast, the ALOS for pretrial detainees was 67 days.

A majority of the pretrial detainees (59%) were from the District Court. Surprisingly, exactly half of the offenders were charged/ convicted of a Class B or C misdemeanor. The offenses most likely to be held for pretrial detention were violence, sex, DUI, and contempt of court.

Pretrial Services screened nearly all offenders brought into the jail for possible release. Of these, 18% were ineligible for release because they were sentenced to jail, a Federal prisoner, a fugitive, or had their bond revoked. Sixteen percent were released through Pretrial Services via an OR bond (8%) or supervised release (8%). The remaining portion of inmates (66%) was not released by the agency due to various reasons, including: active probation/parole status, cash only bond, lack of references, outstanding warrants, and lack of substantial local ties.

#### Pretrial review status:

Ineligible (commit, Federal inmate, etc.)	18%
Probation/parole	9%
Granted supervised release	8%
OR bond	8%
Cash only bond	7%
Lack of references	7%
Warrants/holds	7%
Lack of ties/flight risk/residence	6%
Previously unsuccessful on PTR	6%
Prior record	5%
Seriousness of charge	5%
Other reason	14%

As noted earlier, bail bondspersons were involved in 20% of the releases from jail in the tracking sample. Most of the releases secured through a bail agency were Class B misdemeanors (54%) from the Justice Courts. Domestic violence and DUI charges were the most common offenses covered. Oftentimes, the bail agency bonded the offender because Pretrial Services turned down the offender due to references, flight risk, prior charges, or cash only bond. In quite a few instances (11%), the offender obtained their release through a bail bondsperson before Pretrial Services reviewed the situation.

### ***f) Average Length of Stay (ALOS)***

A significant portion of the inmates booked into the jail were released within hours (30% of the inmates were released in less than 12 hours), and nearly half were discharged within three days. The other half of the inmates, however, stayed considerably longer. Excluding offenders released within three days from the analysis, the average length of stay for the remaining inmates in the tracking sample was 59 days.

#### Overall ALOS:

1- 3 hours	16%
4-12 hours	14%
13-24 hours	5%
25-48 hours	8%
49-72 hours	6%
4-7 days	15%
8-14 days	7%
15-30 days	9%
31-60 days	6%
61-180 days	10%
181 days or more	4%

#### Overall ALOS (in quartiles):

25%	1 day
50%	3 days
75%	20 days

- The overall average length of stay in the tracking sample was 29 days.

The ALOS varied considerably depending on whether an offender entered the jail on a new charge arrest or an arrest on a warrant. Those offenders arrested on a new charge spent an average of eight days incarcerated, overall, while offenders arrested on a warrant were held almost six times longer (47 days). The ALOS for warrant arrests was the second highest out of the booking reasons listed below, behind only individuals who had their bond revoked (ALOS: 81 days), and exceeded the ALOS for offenders sentenced to jail (40 days).

#### ALOS by booking reason:

Bond revoked (n=10)	81 days
Arrested on warrant (n=196)	47 days
Sentenced to jail (n=53)	40 days
Jail or pay (n=21)	28 days
Arrested on bench warrant (n= 51)	21 days
Other (n=11)	20 days
Probation/parole (n=18)	10 days
Arrested on charge (n=196)	8 days
Hold for other agency/fugitive (n=19)	7 days

Offenders released on their own recognizance averaged the shortest stays at the jail (ALOS: <1 day), followed by offenders held for intoxication (ALOS: 1 day). Releases by other pretrial mechanisms, such as bail bondsperson or pretrial release supervision, took several days longer, on average. In contrast, offenders waiting for transfer to treatment programming (usually following a jail sentence; ALOS: 106 days) served the longest periods

of detainment. Offenders sanctioned to jail also were incarcerated for extended periods of time (ALOS: 73 days).

ALOS by release reason:

Transferred to treatment program (n=11)	106 days
Time served (n=112)	73 days
Court ordered release (n=49)	50 days
Released to other agency (n=49)	36 days
Transferred to prison (n=15)	35 days
Other (n=23)	18 days
Released to probation/parole (n=16)	13 days
Fines or costs paid (n=9)	13 days
Cash bond (n=20)	6 days
Pretrial supervised release (n=54)	5 days
Released by bonding agency (n=116)	4 days
Fail to file (n=29)	4 days
Released from intoxication hold (n=28)	1 day
OR bond (n=44)	<1 day

As was the case with bond amounts, the ALOS generally climbed with the seriousness of the offense. The most notable exception was Class A misdemeanants who were incarcerated longer, on average, than second and third degree felons. This occurred because a higher proportion of Class A misdemeanants were sentenced to jail compared to second and third degree felons (sentenced inmates had a greater ALOS than unsentenced inmates in the sample). (Note: Class C misdemeanants had a greater ALOS than Class B misdemeanants for the same reason).

ALOS by offense level:

Felony 1 (n=19)	92 days
Felony 2 (n= 60)	46 days
Felony 3 (n=144)	30 days
Misdemeanor A (n=72)	47 days
Misdemeanor B (n=227)	15 days
Misdemeanor C (n=53)	18 days

In correlation with the ALOS by offense level, District Court cases had an ALOS nearly three times higher than Justice Courts.

ALOS by court:

District Court (n=297)	42 days
Justice Court (n=247)	15 days
Other (n=31)	23 days

***g) Sentenced Inmates***

In the tracking sample, 166 offenders were sentenced to jail. Of the sentenced offenders, only 43% were booked into jail on a commit order from the court. Most of the sentenced inmates in the tracking sample (57%), therefore, were held during pretrial (80% of the pretrial detainees that eventually were sentenced to jail entered the facility on an outstanding warrant, including bench warrants). Many sentenced inmates (33%) received credit for time served as part of their jail term, typically 41 days (on average).

The average sentence imposed by the courts was three and a half months (107 days). Most of the sentenced inmates (70%), however, were given a jail term of 90 days or less. The average sentence was skewed higher by a significant proportion of inmates sentenced for one year or longer.

Sentences (n=166):

1-7 days	22%	<u>Sentence (in quartiles):</u>	
8-30 days	24%	25%	10 days
31-90 days	24%	50%	40 days
91-180 days	13%	75%	180 days
181-364 days	3%		
365 days or more	14%		

- An average of 41 days credit for time served was awarded by the courts.

The jail offers good time to sentenced offenders for complying with jail rules and completing programs. As a general rule, one day of good time can be earned for every three days served by an inmate. (Good time can also be withheld if an offender does not follow jail rules). Judges have the option of denying defendants good time at sentencing.

As a result of good time, the ALOS for sentenced inmates in the tracking sample was shorter than the time imposed by the court. Most notably, sentences of one year or more decreased from 14% (as noted above) to just 1%.

ALOS for sentenced inmates:

1-7 days	28%	<u>ALOS sentenced (in quartiles):</u>	
8-30 days	21%	25%	7 days
31-90 days	23%	50%	32 days
91-180 days	12%	75%	109 days
181-364 days	15%		
365 days or more	1%		

- The ALOS for sentenced inmates was 75 days.
- The average good time awarded by the jail was 30 days.



## PROFILE/SNAPSHOT ANALYSIS

A profile, or “snapshot,” of the jail population on a given day can be used to determine current housing needs and classification levels for the jail, as well as long term facility planning. As with the inmate tracking studies, an inmate profile analysis can identify system issues that affect the use of the jail and efficient allocation of criminal justice resources.

The profile sample for Salt Lake County was taken on September 29, 2003. The jail population for the day was 2,125 inmates, of which 2,023 were actually in the jail (81 inmates were in labor detail and 21 were on employment status).

To conduct the profile, a sample of 745 inmates from the total inmate population (2,125) was randomly selected. Raw data on demographics, date and time of bookings, booked charges, and inmate statuses were obtained from the jail electronically. Results from the analysis are presented below.

(The figures of the tracking analysis often differ from the profile analysis, due to the nature of the data. The tracking analysis depicts “who is coming into the jail,” while the profile analysis illustrates “who remains in jail.”)

### a) *Demographics*

The inmate demographics in the profile analysis were very similar to those reported for the tracking sample. Two noteworthy differences in the profile analysis were: 1) a greater proportion of offenders from Salt Lake City (43% vs. 23%), and 2) more unemployed offenders (40% vs. 33%).

Sex: 85% male and 15% female

Race: 67% Caucasian, 18% Hispanic, 8% African-American, 4% Native American, and 3% Asian/Pacific

Age:

18-23 years old	25%
24-29 years old	19%
30-35 years old	16%
36-41 years old	20%
42-47 years old	13%
48 or older	7%

- The average age of inmates in the snapshot sample was 33 years old.

Marital status: 62% single, 14% married, 22% divorced/separated, and 2% widowed

- Fifty-seven percent of the inmates had at least one child.

Education: 56% did not complete high school, 31% completed high school, and 13% attended college

Employment status: 40% unemployed and 60% employed

- ▶ Sixty-two percent of the employed inmates were working full-time.

Residence:

Salt Lake City	43%
West Valley	14%
West Jordan	7%
Sandy	6%
Midvale	4%
Kearns	4%
Murray	3%
Taylorsville	3%
South Salt Lake	2%
Other Utah city	12%
Out of state	2%

Length at residence:

One month or less	19%
2-6 months	26%
7-12 months	17%
13-24 months	10%
25-36 months	5%
More than 37 months	23%

- ▶ Roughly 60% of the inmates lived at their current address for less than one year.

### ***b) Charge and Offense Related Factors***

Over half of the inmates in the jail were arrested by two law enforcement agencies: the Salt Lake City Police Department and Salt Lake County Sheriff's Office. As a collective, the municipal police departments accounted for 59% of the arrests made on the inmate population.

Arresting agency:

Salt Lake City Police	27%
Sheriff	24%
AP&P	10%
West Valley Police	9%
South Salt Lake Police	5%
West Jordan Police	3%
Sandy Police	3%
Murray Police	3%
Other	16%

- ▶ Twenty-nine different law enforcement agencies had inmates in the county jail.

A majority of the inmates in the profile sample (56%) were charged or convicted of a felony offense, and most felony charges were at the third degree level. Property, drug, and violence crimes were the most common offenses committed.

Offense level:<sup>5</sup>

Felony 1	12%
Felony 2	16%
Felony 3	28%
Misdemeanor A	19%
Misdemeanor B	22%
Misdemeanor C	4%

- Inmates had an average of three charges (88% had more than one charge).

Offense type:

Property	27%
Drug <sup>6</sup>	24%
Violence	14%
Public order	6%
DUI	6%
Probation/parole violation	6%
Sex	5%
Domestic violence	4%
Traffic	4%
Contempt	1%
Federal inmate	1%
Other	2%

- The vast majority of “probation and parole” cases (74%) were from Adult Probation and Parole. Nearly a third of all probation/parole violations (32%) were due to a new offense filed against the probationer. The remaining portion were technical violators, who primarily absconded (22%), failed treatment (16%), tested positive for drugs (16%), or other (14%)

Assigned court: 76% District Court, 22% Justice Courts, 2% other

### ***c) Booking and Inmates Status Variables***

Approximately three out of every five offenders in the profile sample were arrested on a warrant (46%) or bench warrant (10%). One out of every five (21%) was bought in on a new charge. The high percentage of inmates held for a warrant arrest reinforces the data from the tracking sample, which indicated that these offenders are less likely to be released.

<sup>5</sup> Amount exceeds 100% due to rounding.

<sup>6</sup> The Utah Division of Substance Abuse and Mental Health reported that approximately 60% of inmates have substance abuse issues, even though they may not be charged/convicted of drug offenses specifically.

Holds/detainers are partially responsible for this. Offenders arrested on a warrant were 20% more likely to have a hold that prevented their release from incarceration.

Booking reason:

Arrested on warrant	46%
Arrested on charge	21%
Sentenced to jail	16%
Arrested on bench warrant	10%
Bond revoked	3%
Federal prisoner	1%
Other	3%

Holds: 76% none, 9% AP&P, 8% other police department 4% immigration, 2% Federal, and 1% other

While only 16% of the profile sample inmates entered the jail on a commit, 43% were serving a sentence on the day of the snapshot. A similar percentage (42%) was held in lieu of bond. Interestingly, 90% of the inmates held for bond were from the District Courts, yet 67% of the *sentenced* inmates who were held during pretrial were from the Justice Courts

Inmate status (as of 9/29/03):<sup>7</sup>

Serving sentence	43%
Held for bond	42%
Jail or pay	4%
Awaiting court action	3%
Held on holder/detainer	3%
Federal prisoner	1%
Awaiting transfer to treatment	1%
72-hour hold	1%
Held for prison	1%
Other	2%

***d) Bond and Pretrial***

The average median bond amount in the profile sample was \$15,000, which was six times higher than the median reported in the tracking sample (\$2,500). Hence, many of the inmates held for bail on the day of the snapshot had considerable bond amounts.

All felony levels, for example, had a median bond equal or greater than \$20,000. Class A misdemeanors had a median bond amount of \$10,000, which was almost four times greater than Class B misdemeanors. The crimes linked with the highest bails were sex (\$50,000), violence (\$25,000), and drug (\$25,000) offenses.

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<sup>7</sup> Amount exceeds 100% due to rounding.

Bond amounts:<sup>8</sup>

Ineligible (e.g., revoked, etc.)	12%
\$1- 2,500	11%
\$2,501- 5,000	12%
\$5,001- 10,000	14%
\$10,001- 25,000	24%
\$25,001- 50,000	13%
\$50,001- 100,000	9%
\$100,001 or more	5%

- The median bond amount imposed by the courts was \$15,000. The median bond for the District Court was \$25,000, which was ten times higher than the Justice Courts (\$2,500).
- Approximately 20% of the bond eligible cases (n=460) required a cash bond.

Median bond amounts by offense levels:

Felony 1	\$100,000
Felony 2	\$25,000
Felony 3	\$20,000
Misdemeanor A	\$10,000
Misdemeanor B	\$2,600
Misdemeanor C	\$1,500

Median bond amounts by offense type:

Sex	\$50,000
Drug	\$25,000
Violence	\$25,000
Probation/parole violation	\$20,000
Property	\$10,000
Domestic violence	\$7,500
Public order	\$5,000
DUI	\$4,000
Traffic	\$2,500
Contempt	\$1,500

As mentioned earlier, Pretrial Services reviews most of the offenders booked into jail for potential release. In 17% of the cases, the inmate was ineligible for release because he or she was committed to jail, a Federal prisoner, or some other non-releasable circumstance. For the other ineligible inmates, the reason for not being released varied. The most common reasons included a) the inmate was on probation/parole, b) the charge was too serious, and c) the offender could only post a cash bond. One out of every ten offenders was ineligible

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<sup>8</sup> Bond amounts are reported for all cases where the information was available (n= 617). Inmates booked on a commit or federal charge, for example, generally did not have a bond amount available, and thus were excluded.

because they had a previous unsuccessful pretrial release or they already had an open pretrial case.

Pretrial status/rejection reason (at point of booking):<sup>9</sup>

Ineligible (commit, Federal inmate, etc.)	20%
On probation/parole	16%
Seriousness of charge	13%
Cash only bond	10%
Lack of ties/flight risk/residence	9%
Prior record	8%
Warrants/holds	6%
Judge hold/bond revoked	6%
Open pretrial	5%
Lack of references	4%
Previous unsuccessful release	3%
Other reason	1%

- Roughly 2% of the inmates were court order to pretrial supervision, if released. A similar percentage of inmates were also denied pretrial supervision by the courts.

***e) Average Length of Stay (ALOS)***

Inmates from the profile sample were incarcerated an average of 83 days. With half of the inmates held 53 days or less, the ALOS was clearly skewed higher by a modest, but significant, portion of inmates (14%) detained one year or longer. Many of these inmates (76%) were sentenced to the facility, almost always from the District Court (95%).

Overall ALOS:

1-3 days	5%
4-7 days	10%
8-30 days	20%
31-60 days	19%
61-90 days	12%
91-120 days	9%
121-180 days	11%
181-365 days	12%
365 days or more	2%

Overall ALOS (in quartiles):

25%	17 days
50%	53 days
75%	122 days

The ALOS for felons and misdemeanants was 85 and 89 days, respectively. The ALOS for misdemeanors was driven higher by Class A misdemeanors, which had an ALOS greater than all levels of felonies (120 days).

<sup>9</sup> Amount exceeds 100% due to rounding.

ALOS by offense level:

Felony 1 (n= 86)	97 days
Felony 2 (n=117)	77 days
Felony 3 (n=209)	82 days
Misdemeanor A (n=144)	120 days
Misdemeanor B (n=163)	56 days
Misdemeanor C (n=26)	43 days

Overall, domestic violence, violence, and sex offenses were associated with the longest ALOS (all in excess of 100 days). Traffic and contempt charges had the shortest ALOS (38 days and 48 days, respectively).

ALOS by offense type:

Property (n= 202)	93 days
Drug (n= 178)	83 days
Violence (n= 105)	109 days
Public order (n= 49)	65 days
DUI (n= 42)	80 days
Probation/parole violation (n= 41)	87 days
Sex (n= 36)	106 days
Domestic violence (n= 32)	112 days
Traffic (n= 32)	38 days
Contempt (n= 8)	48 days
Federal prisoner (n= 9)	75 days
Other (n= 11)	32 days

Separating misdemeanants from the felons revealed that (24%) of the misdemeanants were held on property charges (ALOS: 97 days). Other offense types commonly committed by these offenders were drug (14%, ALOS: 99 days), public order (12%, ALOS: 64 days), DUI (11%, ALOS: 83 days), violence (11%, ALOS: 111 days), and domestic violence (10%, ALOS: 120 days).

Drug offenses were the most common crimes committed by felons (33% of the felony inmates), and the ALOS in these cases was 77 days. Other categories of crime frequent in the felony inmate population were property (30%, ALOS: 90 days), violence (18%, ALOS: 108 days), and sex (7%, ALOS: 100 days).

District Courts, by reason of adjudicating more serious offenses, had average lengths of stay 40 days longer than the Justice Courts (93 days vs. 53 days). Both averages were skewed by significant numbers of inmates sentenced to lengthy jail terms (see next section). Individually, the ALOS for the Justice Courts ranged from 22 days (South Salt Lake) to 64 days (Taylorsville).

ALOS by court:

District Court (n=587)	93 days
Justice Court (n=142)	53 days
Other (n=16)	89 days

ALOS by Justice Courts [with percentage of Justice Court cases (n=142)]:

Holladay	2%	344 days
Taylorsville	11%	64 days
Sandy	11%	61 days
Murray	4%	49 days
West Valley	21%	48 days
Salt Lake County	23%	40 days
Midvale	6%	40 days
Salt Lake City	15%	35 days
West Jordan	1%	35 days
Draper	3%	29 days
South Salt Lake	4%	22 days

As discussed earlier, 77% of the inmates were booked on a charge, warrant, or bench warrant. The ALOS for these inmates was 63 days, 97 days, and 69 days, respectively. Many (40%) were actually sentenced to jail on the day of the snapshot (i.e., following arrest they were incarcerated during pretrial and eventually sentenced to jail). The ALOS for sentenced inmates held since arrest was 139 days. For unsentenced inmates held since arrest, the ALOS was 55 days.

ALOS by booking reason:

Bond revoked (n= 24)	110 days
Arrested on warrant (n=343)	97 days
Sentenced to jail (n= 122)	79 days
Federal prisoner (n= 9)	75 days
Arrested on bench warrant (n= 76)	69 days
Arrested on charge (n= 157)	63 days
Other (n= 14)	32 days

ALOS by inmate status (as of 9/29/03):

Serving sentence (n=322)	118 days
Awaiting transfer to treatment (n=9)	110 days
Federal prisoner (n=9)	75 days
Held for bond (n=316)	55 days
Awaiting court action (n=25)	45 days
Other (n= 18)	33 days
Jail or pay (n=27)	32 days
Held on holder/detainer (n=21)	19 days



### f) *Sentenced Inmates*

In the profile sample, 357 inmates were committed to the facility by the courts. Remarkably, 46% of the sentenced inmates had sentences of one year or longer.<sup>10</sup>

#### Sentence length (n=357):

1-30 days	8%	<u>Average sentence (in quartiles):</u>	
31-90 days	18%	25%	90 days
91-180 days	17%	50%	305 days
181-364 days	11%	75%	365 days
One year (365 days)	42%		
365 days or more	4%		

- ▶ The average sentence imposed was 253 days.
- ▶ Approximately 15% of the sentenced inmates were court-ordered to not receive good time, electronic monitoring, or the SHED program.
- ▶ One out of five sentences (20%) were run consecutively by the courts.
- ▶ Five percent of the sentenced inmates were required to complete the CATS program.
- ▶ Roughly one third of the sentenced inmates (32%) received credit for time served as part of their sentence to jail. The average amount of credit given was 70 days.
- ▶ Twenty percent of the sentenced inmates were denied credit for time served by the courts.

Sentences to jail for felony level offenses, on average, were in excess of 300 days. This average was surpassed by sentenced Class A misdemeanor offenders (347 days), most likely because serious felony cases/offenders were sent to the prison system by the courts. Lower level misdemeanor cases, in contrast, were sanctioned to jail for an average of 129 days (Class B misdemeanors) and 84 days (Class C misdemeanors).

#### Average sentence imposed by offense level:

Felony 1 (n=13)	304 days
Felony 2 (n=36)	304 days
Felony 3 (n=73)	329 days
Misdemeanor A (n=102)	347 days
Misdemeanor B (n=111)	129 days
Misdemeanor C (n=22)	84 days

<sup>10</sup> Based on projections, 280 inmates in the Salt Lake County Jail were serving a sentence on at least 365 days. These 280 inmates will “consume” approximately 102,200 bed days, or 14% of the jail’s total available bed days for the year (based on a daily jail population of 2,000). The bed days of the 280 inmates, when divided by the ALOS (83 days), equates to 1,231 offenders who could have been held in jail for the ALOS.

Sex offenders received the lengthiest jail sentences of all offense types (359 days, on average). Other crimes that resulted in considerable jail terms were violence (average sentence: 319 days), probation/parole violations (290 days), property (277 days), and drug (276 days) offenses. Only traffic offenders averaged jail sentences less than 100 days.

Average sentence imposed by offense type:

Sex (n= 14)	359 days
Violence (n= 37)	319 days
Probation/parole violation (n=22)	290 days
Property (n=89)	277 days
Drug (n= 86)	276 days
Domestic violence (n=21)	275 days
Public order (n=30)	186 days
DUI (n=27)	177 days
Contempt (n= 7)	119 days
Traffic (n=24)	80 days

Due to the level of the offenses adjudicated, District Court sentences were 57% higher, on average, than Justice Courts (145 days vs. 83 days). The sentences imposed by the Justice Courts, however, ranged significantly from jurisdiction to jurisdiction. At one end of the spectrum, the Draper Justice Court sentenced offenders to jail an average of 34 days. On the other end, the Taylorsville Justice Court sanctioned offenders to jail an average of 180 days. In all, five of the Justice Courts sentenced misdemeanants to jail in excess of 113 days, while six averaged less than 93 days.

Average sentence imposed by court:

District Court (n=261)	145 days
Justice Court (n=96)	83 days

- The average sentence imposed by the ten most active judges from the District Court was 317 days.<sup>11</sup>

Average length of sentence imposed by Justice Court:

Taylorsville	180 days
Holladay	135 days
Salt Lake County	131 days
West Valley	114 days
Sandy	113 days
Murray	93 days
West Jordan	90 days
Salt Lake City	65 days
South Salt Lake	63 days
Midvale	53 days
Draper	34 days

<sup>11</sup> Active is defined as the District Court Judges with the most sentenced inmates in the county jail.

- All inmates sentenced for “jail or pay” originated from the Justice Courts (8% of all sentenced inmates were jailed in lieu of paying a court-ordered financial obligation). The average sentence imposed for “jail or pay” was 66 days and the average amount owed was \$944.<sup>12</sup>

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<sup>12</sup> With the jail per diem at \$69 in 2001, the practice of holding someone in jail for an average of 66 days in lieu of a financial payment equates to \$4,554 in costs. This figure is nearly five times higher than the average amount owed by the offender (\$944) to obtain their release from jail.

### 3. SYSTEM ASSESSMENT

The Salt Lake County criminal justice system contains many progressive elements and functions at a fairly high level. Indeed, elements of the County's justice system have received national recognition through awards and features in professional publications. The successes of the justice system are based in strong and capable leaders, such as the Sheriff, the District Attorney, and the Presiding Judge of the District Court; leaders who not only represent their constituents at the county level but also at the state and national levels.

One example of the County's competency is the new adult detention facility (referred to as the "Metro Jail"). The facility, in the eyes of many, is one of the better-designed and operated jails in the country. The layout of the living areas and the flow of the inmate booking process are exceptional. In addition, the jail is staffed with outstanding managers who proactively address issues before they become crises.

The Metro Jail, when opened in January 2000, was nearly two and a half times larger in terms of beds than the old facility (2,080 beds vs. 857 beds). The previous jail, which was undersized for a county as large as Salt Lake, was under a Federal consent decree that placed numerous restrictions on its use (and many claimed the jail had a "revolving door" as a result). Because of the increased capacity and modern design of the new jail, the consent decree ended. However, the end of the restrictions also brought new problems with increased numbers of arrests, bookings, and commitments. After just four years, the Metro Jail is near maximum inmate capacity, causing the detention facility to re-implement population control mechanisms developed during the consent decree years.<sup>1,2</sup>

The increase in the jail population is not attributable to either societal factors (Salt Lake County is a very stable community) or a growth in crime rates (crime rates have declined over recent years). Rather, jail crowding, as it is occurring in Salt Lake County, is emblematic of issues occurring within the criminal justice system. The idiosyncrasies of law enforcement, the courts, prosecution, criminal defense, probation, and state corrections are all contributing, directly and indirectly, to the growing inmate population. Policy decisions by county government, such as the move to close the Oxbow facility, are also factors.

In this section, ILPP addresses the Salt Lake County criminal justice system from a wide-lens, or systems perspective. This approach recognizes that all components of the criminal justice system (i.e., the police, jail, courts, and etc.) have an interlocking relationship with a high degree of interdependency. As noted above, the individual "components" of justice in Salt Lake are robust and are assets to the community. The dynamics *between* these components, however, appear imbalanced, resulting in troubling issues such as jail crowding and large case dockets. The imbalances are largely attributable to a lack of management of

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<sup>1</sup> According to the National Institute of Corrections, a jail should be considered at maximum capacity when 90% of the available beds are occupied, as some beds are unavailable due to classification allowances. Others argue that 80% of capacity should be considered full to allow for "peaking" in the inmate population.

<sup>2</sup> Prior to the new Metro Jail, the total inmate population in Salt Lake County was roughly 1,300 offenders (combining the old jail and Oxbow populations). Once opened, the total jail population swiftly climbed to over 1,900 inmates, with over 1,600 housed at the new Metro Jail. In 2002, the County "mothballed" the Oxbow facility, which subsequently helped push the main jail's population toward the 2,000 mark.

the system. Fortunately, resolving these problems requires more “fine-tuning” than major re-engineering.

## PREVIOUS STUDIES

Before proceeding, a quick mention of two previous studies of the Salt Lake County justice system is in order. In 1997, ILPP prepared a jail report for the City of Salt Lake that included cross-over analysis of the County’s justice-related functions. Significant recommendations that emerged from the study were: 1) enable CJAC to provide research, analysis, leadership, and coordination, 2) expedite Pretrial Services supervised releases, 3) establish an expanded pretrial day reporting center, 4) develop and implement uniform arrest standards, and 5) implement procedures for reducing delays in felony cases.<sup>3</sup>

The second study was a jail performance audit performed by the Salt Lake County Auditor’s Office in 2001. Noteworthy findings from this excellent report include:

- 1) Mothballing Oxbow would result in maximum annual savings of \$1 million.
- 2) Cities are not paying, and the State is only partially paying, the bills for jail usage provided by the County.
- 3) Collecting on billings to municipalities that use the jail would benefit the jail’s financial position more than setting inmate population caps.
- 4) Increasing electronic monitoring of inmates and establishing pre-booking processing (centers) would reduce jail costs.
- 5) Providers need to be explored for diversion of individuals taken into custody for public intoxication.

While both reports contained numerous recommendations, only a few were implemented from the ILPP report and only one major recommendation was executed from the Auditor’s report- the closing of the Oxbow facility to inmates.

## SYSTEMIC JAIL POPULATION PROBLEMS

In simplest terms, there are two ways for jail crowding to occur: 1) increase the number of offenders booked into the detention facility, or 2) increase the length of stay for offenders detained in the detention facility. A combination of both can lead to explosive growth.

In Salt Lake County, the primary reason for jail crowding is evident. Jail admissions have remained fairly stable for the past several years and, in fact, jail admissions have declined modestly (-9%) since peaking in 1999. Length of stay, on the other hand, has risen dramatically. The average length of stay for inmates in the profile, or snapshot, analysis was

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<sup>3</sup> Since the 1997 report, several noteworthy changes have occurred. First, the County opened the new Metro Jail and closed the Oxbow facility. Second, there has been a proliferation of Justice Courts formed in the municipal jurisdictions. Third, the Criminal Justice Advisory Council has evolved into an established coordinating body of the criminal justice system. And fourth, the State of Utah has enacted tougher laws that favor incarceration.

49 days in 1997. Six years later, using the same methodology, the average length of stay has increased 40% to 83 days.<sup>4</sup>

Listed below are some “leverage points” that directly relate to the average length of stay and the inmate population levels.

### ***a) Circumvention of Jail Population Control Mechanisms***

By state statute, sheriffs have the authority to adopt and implement strategies to manage the jail’s population. These options include restricting certain offenses from being booked into jail (Class C misdemeanor arrests, for example), employing alternatives to incarceration (such as work detail or electronic monitoring), and providing “good time” for inmates who complete programming or serve as trustees. The Salt Lake County Sheriff utilizes each of these approaches in order to curb the rising population levels.

Each of the tools provided to the Sheriff, however, appear to be subject to circumvention by members of the criminal justice system. Law enforcement, for example, can overcharge an arrestee knowing that the jail will only take certain offense levels. Judges can block the Sheriff from utilizing his management options several ways:

- 1) They can prohibit an offender from participating in a jail alternative programming, such as the SHED program, or from receiving good time.
- 2) They can “over-sentence” offenders to jail knowing that good time will be given.<sup>5</sup>
- 3) They can sanction offenders to long sentences and then grant a court order for early release, which undermines the jail’s ability to provide good time.<sup>6</sup>
- 4) They can deny credit for time served, which again impacts the jail’s ability to employ good time measures.
- 5) They can withhold sentencing until other charges are disposed of, and/or they can “stack” sentences consecutively rather than concurrently.

Granted, some of these scenarios occur inadvertently. But, in moments of candor, many criminal justice personnel and officials (both city and county) acknowledged that these patterns of circumventing the policies take place deliberately, and not infrequently. Control over the inmate’s punishment, for motives that can be political, fiscal, or specific only to that case, is generally cited as the reason.

Population control mechanisms are important tools for the jail in managing inmate levels and, ultimately, protecting public safety. The use of good time, which is a national norm and proven population control mechanism, also provides a reward system that greatly improves correctional officer safety and reduces inmate misbehavior.

### ***b) The Going Rate & Relativity***

In most criminal justice systems, there is a “going rate,” almost like a market rate of value, associated with certain crimes and types of offenders. For instance, a first time DUI

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<sup>4</sup> The ALOS for the tracking analysis in 2003 was 29 days, which was more than double the 1997 average (14 days).

<sup>5</sup> A judge, for example, may desire for an offender to serve 90 days in jail. Aware that good time may be given, the judge may then sentence the offender to 120 days to compensate for the use of good time.

<sup>6</sup> A judge may sentence an offender to one year in jail with the intention of granting early release at six months. The jail, unaware of the judge’s intention, will not be able to grant good time.

offender is “worth” a sentence of two days in jail, a seven hundred dollar fine, and a six-month license suspension. A sentence greatly differing from this norm may suggest that the offender was treated harshly or leniently.

Unlike the national norm, there does not appear to be a going rate for most low-level offenses in Salt Lake County. The analysis of the population and flow data demonstrates that the numerous independent Justice Courts change the normal bell-shaped curve distribution to a sharper curve and display a great many outliers, mostly with sentenced cases. There is more than a fair amount of deviation in sentencing from jurisdiction to jurisdiction, which arguably reflects the values and specific problems of those communities. Most often, however, analysis of the data shows that these “outlier” decisions are due to a lack of guidelines, or objective factors in decision-making.

Correlating to the idea of a going rate is “relativity in sentencing.” Relativity in sentencing implies that, with all things being equal or similar, graded offense levels should have corresponding sanctions befitting that offense level and that graded offense levels should have sanctions that differ from one another. This is not always the case in Salt Lake County, as some lower level offenses are sanctioned much more severely than higher level offenses.

In part, the variations in sentencing are due to the structure of the court system. The Justice Courts operate with a high degree of autonomy (and isolation), which, at times, appears to result in sentences that are disproportionate when viewed as part of “the bigger picture.” A Class B misdemeanor offender, for example, may receive a jail term that is greater or equal to a jail sentence that a Class A misdemeanant typically would receive. To some degree, this occurrence is a natural development within the Justice Courts as certain offenses or offenders emerge as major issues for the court, impacting their sense of internal relativity. But again, cases and offenders need to be viewed from a broader perspective to avoid great disparities within the overall justice system.

The Justice Court judges, through their statewide association, are considering an analysis of their approach to sentencing. The research will probably include a blind survey regarding sentencing practices, and then will be followed by several education sessions on the topic. ILPP feels that the association is engaged in the issue, and will be improving the Justice Courts’ use of sentencing guidelines.

### ***c) Jail as a “Debtor’s Prison”***

It is the practice of some courts in Salt Lake County to sanction offenders to jail in lieu of paying fines or costs. Under this type of sentencing, referred to as “jail or pay,” offenders are given a jail term that may be immediately suspended upon financial payment. As shown in the data analysis, this sentencing practice is extraordinarily expensive to the county and also a major contributor to the fast growing jail population. The average jail or pay sentence was 66 days, with the offender owing an average amount of \$944 dollars. Using the jail’s per diem rate of \$69, this equates to a cost of approximately \$4,500 to the county (for housing the inmate the full 66 days) - more than four times the average amount owed by the offender.<sup>7</sup>

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<sup>7</sup> The tracking sample revealed that a majority of the offenders sentenced to jail actually served the full jail term rather than paid the financial obligation.

The fairness of jail or pay is open to debate as some in the justice system clearly feel the practice is not allowable by the Utah Constitution.<sup>8</sup> Wealthier offenders are less likely to serve the full jail term than indigent offenders who do not have the resources to pay quickly. Consequently, poorer offenders may lose their jobs and incur other hardships which only increase the likelihood of future non-payment of financial obligations, such as child support, and may even lead to further criminality.

ILPP believes that the practice of “debtor’s prison” as applied in Salt Lake County must end and urges the County to seek a remedy through its legislative delegation. In the meanwhile, the policy should at least change to reflect the amount of the actual jail per diem costs, meaning that, instead of paying \$15 per day, offenders’ time would be “worth” well over \$65.

#### ***d) The Trickle-Down Effect***

The State of Utah, like most states, is facing budget problems; state revenues are exceeded by financial demands. Over the past few years, the State has cut the Department of Corrections budget significantly and in 2003 alone reduced the Department’s budget by \$3.4 million.<sup>9</sup> With fewer dollars, the prison system has maintained “zero population growth” by closing institutions, increasing prison alternatives, and paroling hundreds of prisoners early.

Given that the crime rate has decreased substantially in the last five years, the State attributes the budget issues in the Department of Corrections to one primary factor: legislative action that has increased the average length of stay of offenders.<sup>10</sup> As the laws have become more punitive, there is growing recognition that excessive use of imprisonment is harmful, not only to budgets, but to society. Most prisoners return to the community, yet incarceration does not address the core problems (e.g., substance abuse, mental illness, education deficits) that will change their inclination to crime.

All of the issues confronting the State of Utah have trickled down to the counties, and Salt Lake County is no exception. The tough laws that have increased the average length of stay at the state institutions have also had a similar impact on sentences to the Metro Jail.<sup>11</sup> Moreover, the Metro Jail appears to be holding a substantial number of sentenced offenders who, in other jurisdictions across the country, are typically punished by a sentence to the state prison.<sup>12</sup> The trickle down effect reaches even deeper, however, as there are fewer (or insufficient amounts of) state-supported resources such as Adult Probation and Parole staff (AP&P) and community-based rehabilitative programs. This, in particular, is troubling because a greater number of ex-prisoners *are* returning to the community and, regrettably, to the local justice system.<sup>13</sup>

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<sup>8</sup> The Utah Constitution prohibits “...imprisonment for debt except in cases of absconding debtors.”

<sup>9</sup> Source: The Salt Lake Tribune, January 24, 2003

<sup>10</sup> Source: Office of the Legislative Fiscal Analyst, “2004 Budget Recommendations: Utah Department of Corrections.”

<sup>11</sup> The average sentence imposed on inmates in the Metro Jail was 253 days, which is three times greater than the average reported in 1997. The opening of the new jail also contributes to this finding, as more beds are available for sentenced inmates.

<sup>12</sup> Forty percent of the sentenced felons in the profile analysis were convicted of a first or second-degree offense.

<sup>13</sup> Salt Lake County has been working with the state on re-entry programs for offenders, such as Community Interventions for Abusing Offenders (CIAO), but the programs are overwhelmed with demand.



There is a common belief in Salt Lake County that AP&P, as a state-run agency, is less likely to recommend prison sentences when the institutions are over-crowded. The major flaw in this assumption is that AP&P bases their recommendations on the standardized sentencing guidelines developed by the Utah Sentencing Commission.

As part of its analysis, ILPP reviewed the sentencing recommendations made by AP&P from January 2001 to December 2002. During that time frame, AP&P recommended prison sentences in 24% of the felony cases (+/- 6%). Actual sentences to prison occurred in approximately 20% of the cases (+/- 7%). Thus, AP&P recommended prison more often than the defendants received the sanction. In addition, there were no obvious trends in the prison population figures (which were fairly stable during the two years) that correlated with changes in the proportion of prison recommendations (which was also fairly stable) made by AP&P.

#### ***e) The Felony Caseload and Felony Jail Population***

Many in Salt Lake County believe that the volume of felony cases has increased over the past several years, thus greatly impacting the jail population and the entire justice process. Both the District Attorney's Office and the Legal Defender's Association cite a double-digit hike in felony cases during 2003 (12% and 25%, respectively).<sup>14</sup> Data from the Administrative Office of the Courts (AOC) validates this upswing as felony cases in the Third District Court (Salt Lake County only) rose 12% during FY2003.<sup>15</sup> The AOC data, as shown in the chart below, also reveals that felony cases from FY2003 (8,628) were well below figures reported between FY1996 and FY2000 (when the felony caseload peaked at 10,417 and never dropped below 9,100). Perhaps, the perception of a "dramatic" increase in felony cases for FY 2003 seems so striking because it followed an eight-year low point in felony cases (7,599 felony cases in FY2002). The felony court data overall, however, reflects the general downward trend in crime that has been reported nationally (discussed in greater detail below).

	<b>Felony Cases</b>	<b>% Change from Previous Year</b>
1996	10,417	n/a
1997	9,131	-.123
1998	9,104	-.003
1999	9,442	+.036
2000	9,818	+.038
2001	8,347	-.048
2002	7,599	-.187
2003	8,628	+.119

Despite the trend of fewer felony cases in the County, the felony population at the Metro Jail has increased. In 1997, approximately 47% of the inmates were arrested or convicted on felony charges. Now the felony inmate population is 10% greater even though felony cases

<sup>14</sup> The DA's caseload figures are based on the Fiscal year ending September 30, 2003, and the LDA's numbers are based on the calendar year. The state Fiscal year runs from July 1 to June 30.

<sup>15</sup> Data from the AOC includes only felony cases from Salt Lake County. Misdemeanor cases and cases from other counties within the Third District are excluded.

in the District Court are roughly 6% less compared to six years ago. The increase in felons at the jail is clearly attributable to ALS. The ALS for felony cases in the 1997 tracking sample was less than 20 days, almost half the current felony ALS of 39 days. The felony ALS has climbed due to longer sentences (the profile analysis revealed that the average felony sentence imposed was 309 days) and an increase in pretrial incarceration days (nine days, on average, compared to five day in 1997).

The findings surrounding the felony statistics underscore that this is a topic of substantial importance to the Salt Lake County criminal justice system. The possible reasons for the increase in felony ALS are numerous and deep, and can include factors such as charging policies, case processing time, attorney skill, continuances, state laws, and prison crowding. The County, through CJAC, must dedicate resources to further analyze and address this issue.

## KEY FINDINGS

- 1) The County does not have a successful track record in implementing recommendations stemming from studies. Only a handful of recommendations from the 1997 ILPP report and the Auditor's analysis were fully carried out, and most of the important or high impact recommended initiatives were disregarded.
- 2) Population control mechanisms are sometimes circumvented by criminal justice officials, thus undermining the jail's statutorily-conveyed abilities to manage the detention facility.
- 3) Sentences to jail in the Justice Courts can vary considerably from jurisdiction to jurisdiction, often resulting in excesses.
- 4) Jail sentences in lieu of financial payment from offenders are neither productive nor proportional to the County's direct and extensive indirect cost for housing the offenders.
- 5) The County has not developed a plan for the trickle down effects of dwindling state resources at a time when State laws demand "toughness." This equates essentially to "unfunded mandates" as the pressure on managing these offenders now falls into the lap of the jail (the most expensive resource available).

Clearly, the State of Utah has made the move, through policies and cost saving decisions, to pass on certain matters to the counties. Salt Lake County, in turn, must make adjustments or greatly increase crowding and costs.<sup>16</sup>

## RECOMMENDATIONS

- 1) Hire a criminal justice coordinator to implement the recommendations of this report and previous studies. In addition, the coordinator should serve as a full-time employee for a rejuvenated CJAC and be responsible for carrying out a strengthened executive committee's directives (gathering data, implementing initiatives, coordinating CJAC task committees, and so forth).

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<sup>16</sup> A high degree of collaboration with the state and local governments, to ensure seamless policies and programming, would be ideal in pursuing adjustments.

- The coordinator should be funded through the budgets of the Sheriff, Prosecutor, County Mayor, Courts, and the City of Salt Lake. In the end, the coordinator should not be responsible to any one political entity, but rather the executive committee of CJAC (see below).
- 2) The Justice Courts should create and adopt local sentencing guidelines and timelines to provide a framework for sanctioning Class B and C misdemeanor cases. The guidelines should be developed through a CJAC task committee that includes justice court representatives (50%), district court judges, the jail commander, the county probation chief, and treatment service directors.<sup>17</sup>
  - 3) Discontinue the use of “jail or pay” practices or, at a minimum, follow the opinion of a prominent district court judge and sentence offenders to jail at a rate equal to the jail’s per diem. If an offender owes \$325 dollars in fines, for example, then the period of confinement should not exceed five days, based on the jail’s cost to house of \$65 per day.
  - 4) Establish that pre-trial and sentenced inmates from all courts are ultimately to the “custody of the Sheriff,” whereby the Sheriff can move offenders between the jail and various alternative work and rehabilitation programs, based on custody factors and behavior. Senate Bill 196, which was recently enacted, gives the Sheriff this authority over inmates from the Justice Courts. Salt Lake County should pursue similar legislation for District Court inmates.
  - 5) Create a justice court committee under CJAC that coordinates community corrections alternatives in cities, publishes sentencing data on the courts, and develops guidelines that eliminate the disparities discussed herein.

## SYSTEMIC ISSUES

Next, the functionality of several key issues impacting the Salt Lake County criminal justice system is examined.

### *a) The Proliferation of Justice Courts*

Over the past decade, Salt Lake County has witnessed a proliferation of municipal-based Justice Courts. The new courts bring the justice system into the communities and neighborhoods affected by crime. In addition, the courts promise improved and swifter services for resolving parking/traffic infractions and small claims cases. The Justice Courts, in some ways, reflect the community court model advocated by restorative justice proponents by making the justice system more accessible to citizens/victims and addressing the offender in the actual community that was wronged.

The Justice Courts raise a host of more problematic issues, however. The harshest criticism levied against the courts is that they were established as a revenue stream for cities. Many critics fear that cities will become dependent on the money generated through enforcement, thus increasing the likelihood that police and judges will be overly aggressive as a way to meet financial expectations and demands. Other concerns surrounding the Justice Courts

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<sup>17</sup> The Utah Sentencing Commission is considering sentencing guidelines for Class A, B, and C misdemeanors, but these guidelines will more than likely not address jail sentences. Rather, the guidelines will focus on probation and community-based measures.

include the qualifications of the mayoral appointed judges, prosecutors, defenders, and administrators; the redirection of funds away from county and state levels of government; and (as discussed above) the serious inconsistency in sentencing from court to court.

Clearly, the concern surrounding money and the Justice Courts is a topic that needs to be addressed head-on by local leaders. With resources dwindling, justice court expansion has only thinned available resources (so much so, in fact, that the viability of the courts may be short-lived unless funded out of the municipal general fund or through over-enforcement as predicted by critics). Operations of the Justice Courts, like most bureaucracies, will eventually become larger and, as the organizations mature, they will face increasing staffing costs, thus increasing the pressure to generate funds.

From a wider perspective, the formation of the Justice Courts has cut off a money supply to the larger (or “parent”) system that must still support itself. And yet, the Justice Courts have unfettered access to the larger system through the jail, the county probation department, the legal defender, and so forth with little or no financial obligation. The jail, in particular, is heavily used by the Justice Courts/municipalities without either a rationing device or an executed and accepted financial support agreement (see below).

This report recommends the use of guidelines and more coordination of the Justice Courts as an element in the overall system, as well as booking fees of some kind, to ration jail use.<sup>18</sup>

### ***b) Municipalities and the Jail***

The municipalities and the Justice Courts greatly rely on the Metro Jail to handle the initial processing of offenders and to incarcerate their defendants. Almost 60% of the offenders coming through the Metro Jail in the tracking sample were arrested by the municipal police departments and nearly half of the offenses committed by the inmates were Class B and C misdemeanors. The municipalities and Justice Courts utilize the detention facility essentially with little restriction and complete financial impunity. As a result, the jail has difficulty managing the continuous flow of municipal inmates and the county, including the Sheriff's Office, incurs a considerable financial burden.

The Salt Lake County Auditor examined the municipalities' use of the jail extensively in their 2001 report. One of the major findings was that several municipalities “over-use” the jail, especially in relation to their population sizes. According to the study, five of the fifteen cities in Salt Lake County accounted for 86% of the jail's municipal usage.<sup>19</sup> The top five cities were (in order): Salt Lake City (with the largest population in the County), West Valley (2<sup>nd</sup> largest), South Salt Lake (11<sup>th</sup>), Sandy (3<sup>rd</sup>), and West Jordan (4<sup>th</sup>). It was noted that South Salt Lake and Midvale, while two of the smallest cities in the County, were first and third in jail usage per capita.

From 1997 to 2000, all municipalities increased their use of the Metro Jail. The five cities listed above increased their usage anywhere from 104% to 878%. Despite the growing reliance on the detention facility, the municipalities refuse to reimburse the County for the jail even though the Sheriff's Office “fairly and consistently” calculates monthly billings.<sup>20</sup>

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<sup>18</sup> SB196 may address this issue, as new fees imposed by the justice court cases will be partially distributed to the County.

<sup>19</sup> Source: Salt Lake County Auditor's Performance Audit of the Jail, December 2001; page 18. The findings were based upon jail days billed by the Salt Lake County Sheriff's Office.

<sup>20</sup> Ibid, page 22.

The cities maintain they already contribute to the County's general fund, and that such tax payments should include money for operating the jail. The County and the Sheriff's Office, on the other hand, argue that they have the ability to collect jail fees separate from the money paid into the general fund (a position supported by the Utah Supreme Court). As deftly argued in the Auditor's report, the municipalities refusal to help pay for the jail creates "an inequitable situation."<sup>21</sup> This is especially true considering that the municipalities generated nearly \$17 million dollars in collected court fees during 2000, yet paid nothing towards the approximate \$7 million in jail billings.<sup>22</sup>

The Justice Courts reliance on the detention facility segues into another important issue in the criminal justice system. As the trickle down effect occurs (i.e., offenders that used to go to prison are now in local jails), alternatives to incarceration for Class B and C offenders are required so that the jail will have beds available for more serious criminals. The Justice Courts need to implement more cost-effective alternatives, such as probation, electronic monitoring, day reporting, and community service work programs. These types of sanctions, which are fairly uncommon in the Justice Courts now, are highly appropriate for low level offenders.

The Justice Courts should collaborate to develop sophisticated community-based, graduated sanctions/programs that serve multiple jurisdictions and achieve economies of scale.

### ***c) Caseload Management in the District Court***

The Third District Court presides over the largest number of criminal cases in the State of Utah. Over the past few years, State budget cuts have distressed the court to the point where a skeleton staff supports the twenty-eight criminal and civil judges. For example, there are only six law clerks available to conduct research for the 28 judges on the bench.

The shortages in staffing capital are made more important, in terms of system-wide issues, as the District Court does not employ timelines to manage case flow, nor does it collect and report data concerning in custody and out-of-custody case time lines, leading to delay and a greater workload for all from continued cases. Furthermore, without data on case timelines, or even on which cases are in jail, the delays cause crowding and excessive costs in the jail and other agencies concerned with responding to disposition.

To the credit of the Presiding Judge, and with the strong support of the District Court judges hearing criminal cases, the District Court is currently exploring options with regard to establishing time lines. The Court, in addition, is considering data reporting on timelines (especially on in-custody cases) and overall case management approaches. These initiatives will help the Court and County coordinate and manage crowding throughout the system. This work will need to be supported, and followed closely, in the future.

### ***d) Community-based Corrections***

Salt Lake County has an impressive continuum of rehabilitative options available through county and community based agencies. These programs are critical to the stability of the

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<sup>21</sup> Ibid, page 22.

<sup>22</sup> Again, SB196 may help alleviate this issue to some degree. However, the money generated will not cover transportation and medical expenses incurred by the County for Justice Court cases. The County should pursue reimbursement from the cities for these expenses.

justice system because of the corrections and rehabilitation services they provide and the major cost savings that result from their use, especially in relation to the jail's per diem.

Despite the array of sanctions, there does not appear to be a great deal of depth for some options. Some judges feel that there are not enough "spaces" in the alternative programs to accommodate the volume of offenders. Offenders, therefore, do not receive services in a timely or congruent manner. Another criticism is that programs lack coordination among themselves to provide seamless services to a difficult, and often resistant, clientele.

The differences in opinions on the availability of community-based sanctions indicates a significant "disconnect" in the justice system. At a minimum, coordination of programs (and perceptions) is needed and will hopefully result from this study. ILPP believes that a central clearinghouse, possibly through CJAC, should be formed to broker services (i.e., conduct assessments, schedule placements, and coordinate multi-agency services) for treatment eligible cases emerging from the District and Justice Courts.

In addition to managing treatment slots better, a sub-committee of CJAC should devote itself to identifying and developing additional community-based treatment programs. As part of this exercise, existing services should be evaluated to determine if their effectiveness justifies, or is in proportion to, their cost. Programs that are under-performing should be reduced or eliminated in favor of programs that have more successful treatment modalities.

#### ***e) The Criminal Justice Advisory Council (CJAC)***

The Criminal Justice Advisory Council (CJAC) was formed several years ago to provide coordination and leadership for the justice system. CJAC consists of twenty-six members and is staffed with three county employees (who have substantial responsibilities separate from the Council). The full Council meets bi-monthly, with a smaller executive committee congregating in the intervening months.

CJAC, over the years, has faltered in its ability to accomplish meaningful change for the justice system despite a fairly well established organizational structure and good membership attendance at meetings. The Council currently has settled into a role that is less activist-oriented. It is not driven to manage of the system, but rather focuses on briefing and information sharing. Many members, as such, have expressed the opinion that CJAC has become stagnant. Opinions vary on why this is occurring, but three prominent beliefs are: 1) the Council has become too large and unmanageable, 2) there is a lack of momentum generated from meeting to meeting, and 3) key gatekeepers from the justice system are not consistently participating in the meetings. To ILPP, the need for leadership by a strong executive committee is strongly demonstrated.

### **KEY FINDINGS**

- 1) The uncontrolled and uncoordinated proliferation of Justice Courts is thinning existing resources.
- 2) Municipalities and the Justice Courts rely greatly on the jail without financial reimbursement to the County. They have not developed their own offender management structures, or community corrections mechanisms, for cost-effective administration of justice.

- 3) The District Courts are moving towards reporting formats that help manage case time lines, but these are not yet in place.
- 4) CJAC has become a briefing place rather than a management and leadership agency.

## RECOMMENDATIONS

- 1) The jail should discontinue accepting Class B misdemeanants, with the exception of certain offenses such as DUI and violation of protection from abuse orders.<sup>23,24</sup> If a municipality or justice court desires to place a Class B or C misdemeanor in the detention facility, they should pay an agreed upon per diem fee prior to the offender's entry (subject to bed space availability).
- 2) The municipalities should explore entering into a contractual agreement with the County and Sheriff to build a minimum security housing wing on the existing detention facility. The housing wing would then be the "property" of the municipalities and they would be financially responsible for its maintenance and staffing (again, through a contract with the Sheriff's Office and the County). Once opened, the municipalities should form an oversight committee, which includes the Sheriff's Office, to coordinate the allocation of bed space.<sup>25</sup> Each city should pay a proportion of the yearly costs in relation to their use of the facility for that year.<sup>26</sup>
- 3) The analysis of the District Courts suggests that there is a need for stronger judicial commitment and leadership to the development of time standards, better data on case flow through a system of monitoring and automated reporting, and more court control over case progress through a new case management system.
- 4) The Criminal Justice Advisory Council must restructure so that it becomes an engine of coordination and change. The current executive committee should be pared down to the County Mayor, the County Manager, the Sheriff, the Presiding Judge, the District Attorney, and the Salt Lake City Mayor (with no alternates permitted). This group should be the ultimate decision makers in coordinating all aspects of the justice system to ensure cohesive public policies and programs. Additional responsibilities should include:
  - Prioritizing system issues in the criminal justice system and setting courses of action for addressing those issues.
  - Managing criminal justice resources to their maximum potential.
  - Responding to critical issues and collectively developing resolutions before they become crises.

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<sup>23</sup> The jail does not currently accept Class C misdemeanants.

<sup>24</sup> Salt Lake County officials should establish criteria whereby the municipalities can utilize the detention facility for certain offenses or arrest circumstances.

<sup>25</sup> The Jail should always have the discretion to classify the inmates and place them in an appropriate pod. If a city inmate is classified as a maximum security risk, the jail should then "trade" spaces accordingly.

<sup>26</sup> Another option discussed in Chapter 7 is to rent beds at the Oxbow facility to the municipalities under the same terms described above.

The full CJAC should serve as advisors to the Executive Committee, and work in tandem in planning, coordinating, and implementing initiatives. CJAC should also “feed” ideas into the Executive Committee on issues that require leadership decision-making. Conversely, the Executive Committee should assign tasks to CJAC, such as problem solving, policy evaluation, and program development.

In addition to the above, CJAC should form standing committees in the areas of:

1. Inmate population management,
2. Information systems, and
3. Grant management.

Task committees should be created when targeted issues arise within the Executive Committee or CJAC. They should address specific issues (such as planning the coordination of treatment beds), supply written information to CJAC, and then disband. The membership to the task committees should include non-CJAC members and have balanced representation of public and private stakeholders.

## **CRIME, POPULATION, THE JAIL, AND CRIMINAL FILINGS IN SALT LAKE COUNTY**

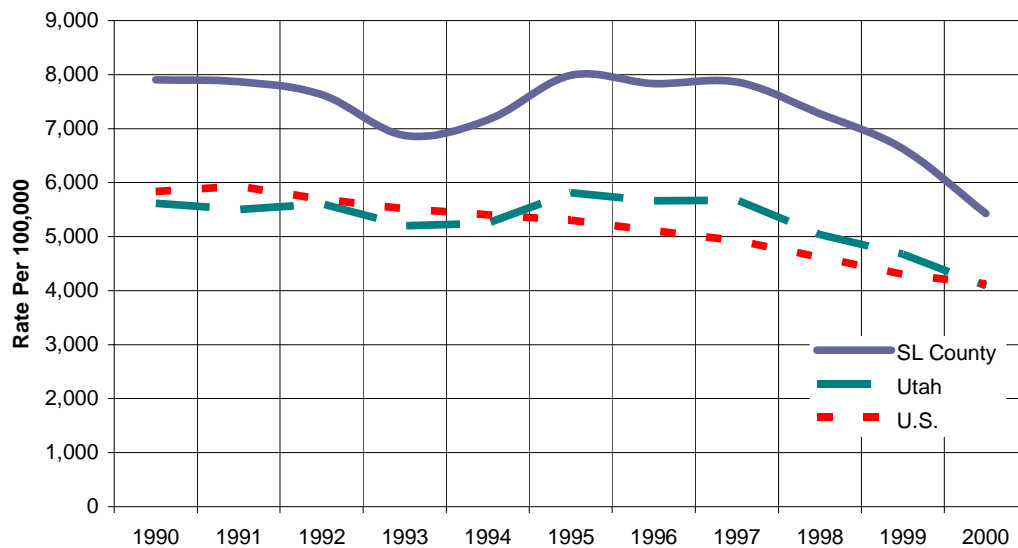
The State of Utah has a crime rate that is close to that of the United States overall. The index crime rate in Salt Lake County, as is to be expected with urbanized areas, is somewhat above that of the state as a whole.<sup>27</sup> Both have been generally decreasing since 1990, although a bulge occurred in 1995-1997 due to a jump in motor vehicle theft (Figure 1).

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<sup>27</sup> Index crimes are a certain group of felonies: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. The crime rate is defined as the number of index crimes reported to law enforcement divided by the population of the jurisdiction. Property offenses, specifically larceny-theft, are always far more common than violent crimes, and thus dominate the crime rate. These figures for crime are taken from the tabulations on the website of the Utah Department of Public Safety.



Figure 1: Total Index Crime



Violent crime, except for rape, is relatively low in Salt Lake County; it is the property offenses that raise the county's crime rate above that of the nation. In 2000, larceny-theft accounted for almost three quarters of the total index crime (Figures 2-11).

Figure 2: Total Violent Crime

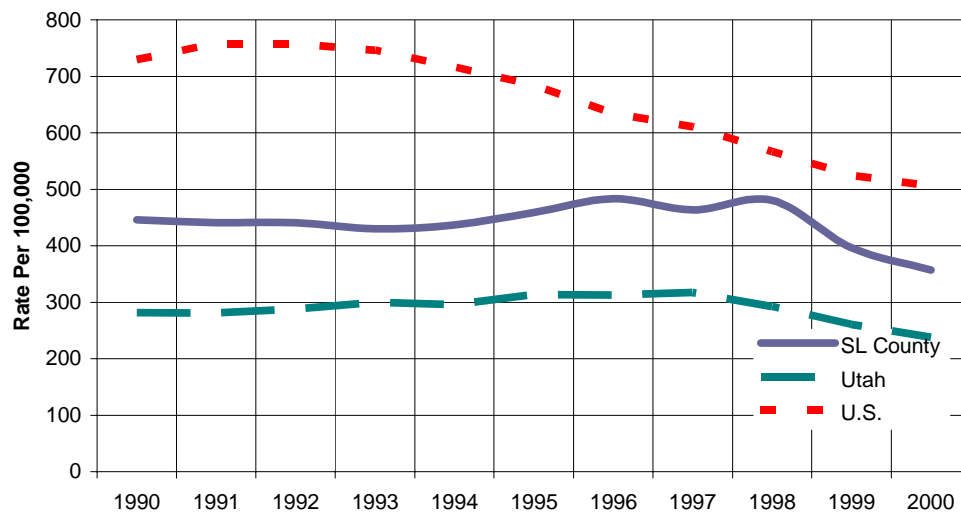


Figure 3: Total Property Crime

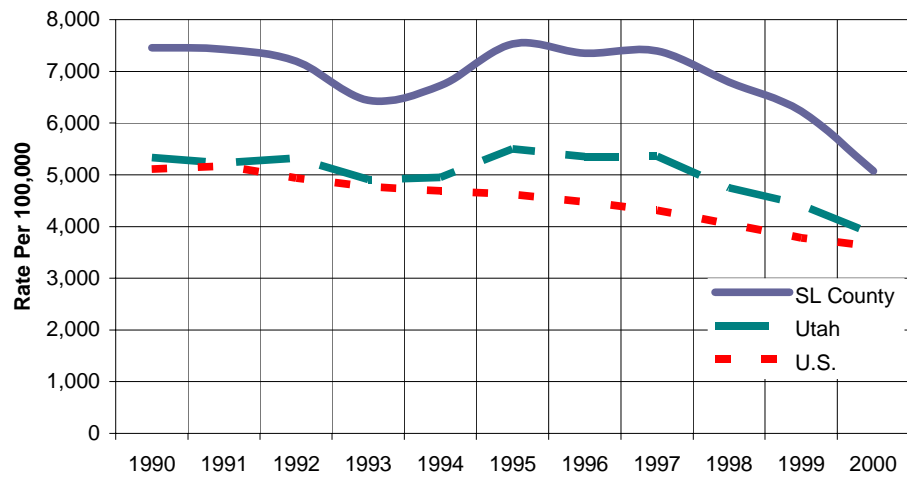


Figure 4: Murder

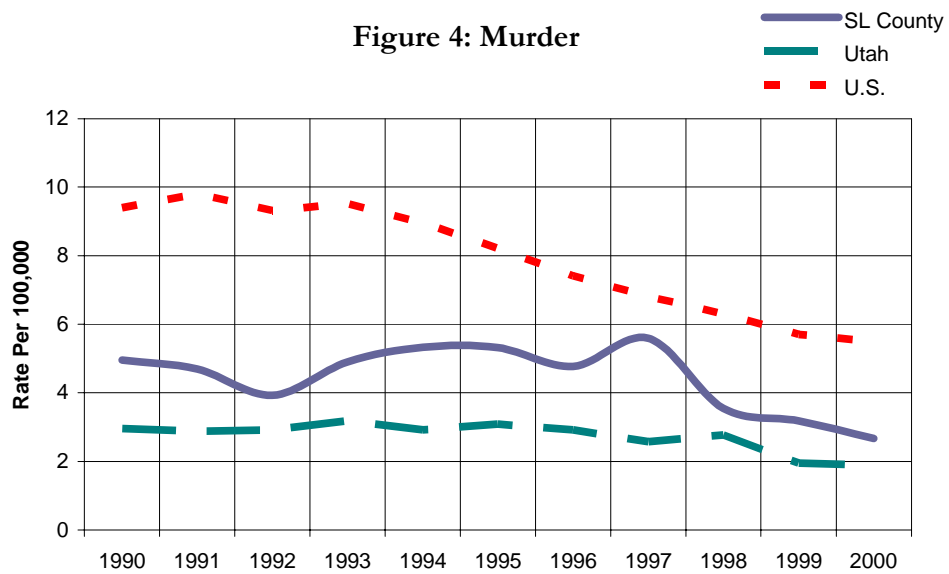


Figure 5: Rape

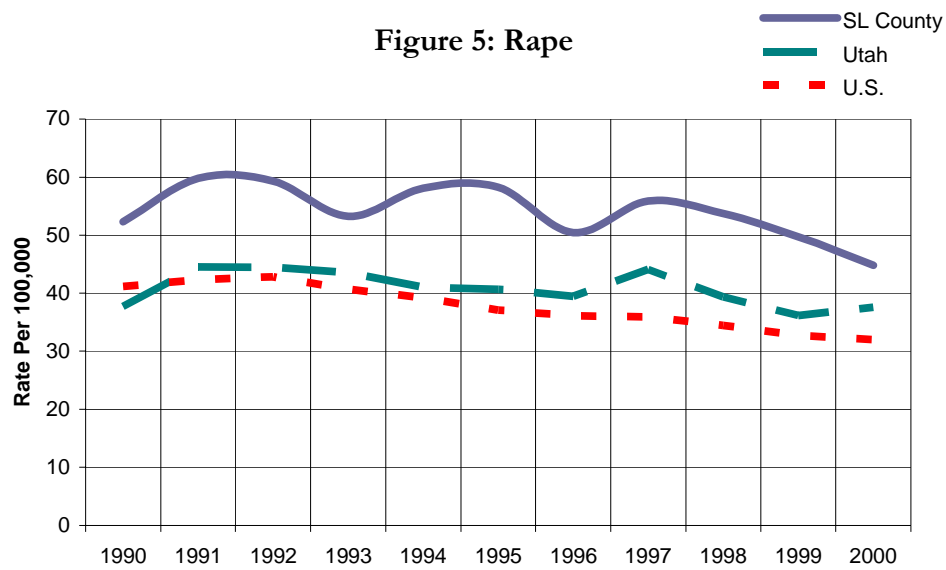


Figure 6: Robbery

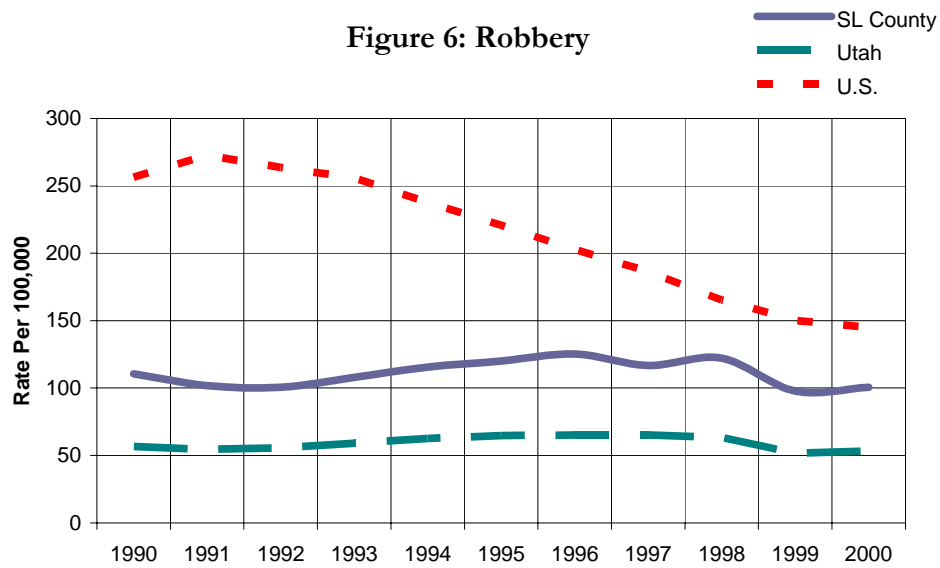


Figure 7: Aggravated Assault

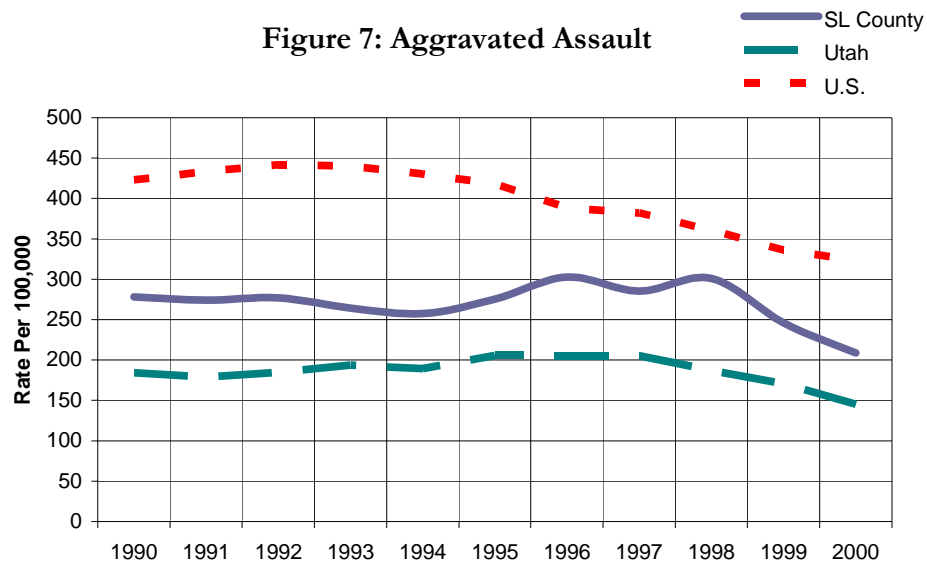


Figure 8: Burglary

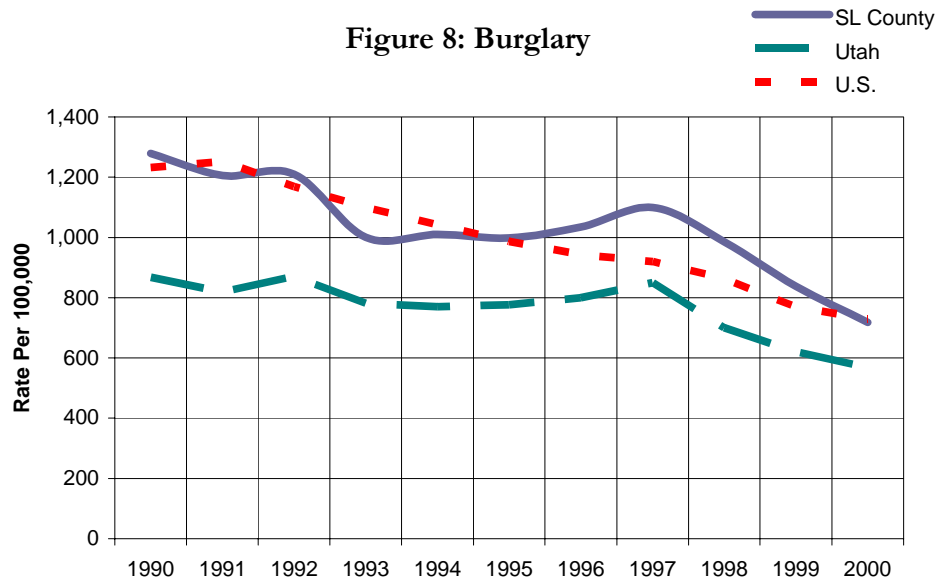


Figure 9: Larceny

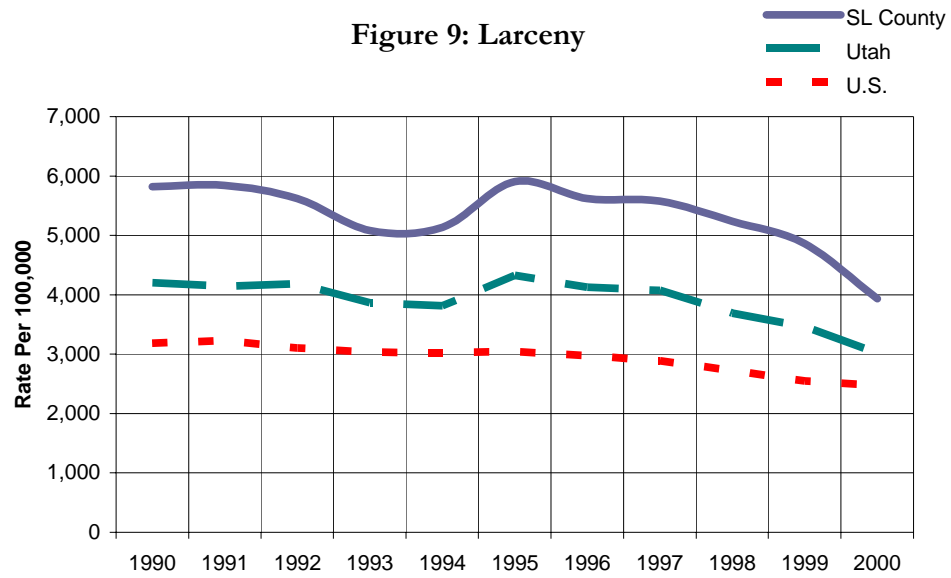


Figure 10: Motor Vehicle Theft

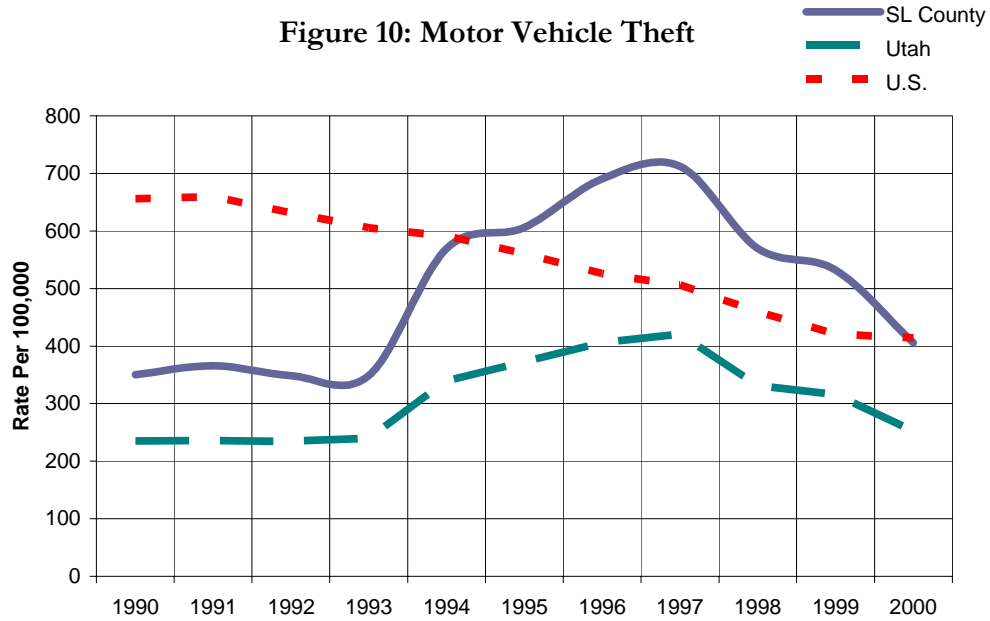
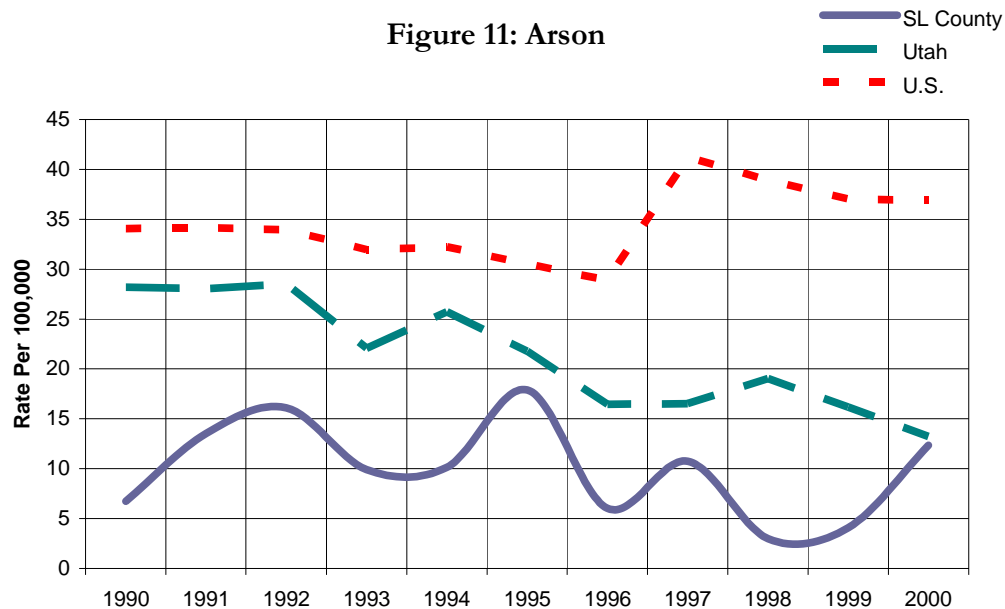


Figure 11: Arson



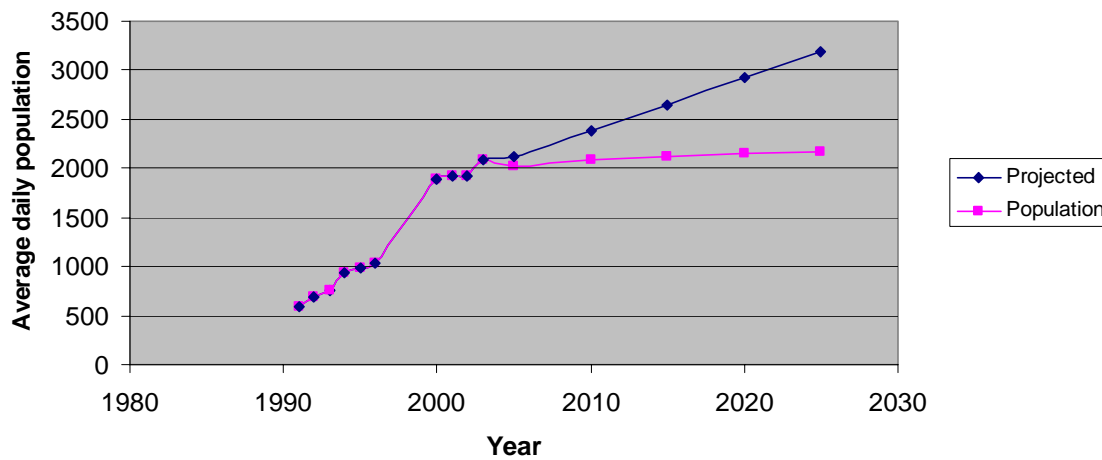
ILPP has made population projections for the County, based on U. S. Census projections for Utah.<sup>28</sup> The figures are somewhat lower after 2010 than the figures in the County's *2000 Demographic and Economic Profile*. ILPP has made an estimate of future jail population using its figures because they are broken down by age group, and the probability of arrest varies strongly with age. That can be seen from local data: ILPP's tracking analysis of 575 bookings showed that 270 were under the age of thirty, 221 were in the range 30-44, and only 84 were forty-five or older.

Although Salt Lake County is expected to grow substantially over the next couple of decades, most of the growth will occur in persons over 45 (the "Baby Boomers"). The expected number of arrests and jail bookings will thus not parallel county population growth. There were 25,933 local bookings (i.e., not state or federal) in 2000. That figure would grow by 9% in 2025, using ILPP's projections, and to approximately 35,000 using county figures. If other factors remain the same (i.e., the proportion of detainees booked, the average length of stay, and the usage of pretrial and sentencing alternatives), the jail population should increase accordingly.

Figure 12 shows two models of future jail population. The upper line, labeled "Projection" is simply an extrapolation of the system population between February 2000 and August 2003, and approaches a figure of 3,200 in the year 2025. The lower "Population" line shows the expected number of inmates if jail population grows at the same rate as that portion of county population at risk of arrest, as discussed above. In 2025, it is only about 100 more than the current figure.

<sup>28</sup> The most recent available Census projections were made before Census 2000. ILPP made adjustments for the new data and calculated county population from the relative rates of state and county growth between 1990 and 2000.

**Figure 12: Jail Population Pojections**  
Including Electronic Monitoring



The population forecast is based on the assumption that both the arrest rate and the length of stay will remain fixed at today's levels, so that the only reason for jail growth is growth in the County's total population. It does not assume changes in laws, crime rates, or system management; nor by implication, changes in the philosophies of the County's relevant decision-makers. In addition, the forecast is based on data for a very short time period (less than four years) and yet extend over twenty years into the future. It should be taken as only an indication of what might happen if the assumptions hold, more or less, for that period of time.

Many agencies book offenders into the county jail. In 2002, of the total of over 30,000 bookings about 25,000 were made by local agencies. Salt Lake City accounted for most (almost 7,000), followed by West Valley, four divisions of the Sheriff's Office, and South Salt Lake. About 4,000 bookings were made by the state (primarily the Highway Patrol and Adult Probation), and 750 by Federal authorities. The records available to ILPP do not distinguish pretrial bookings and those of sentenced offenders.

The rates of booking vary considerably by jurisdiction. Nine cities have their own police departments, while six contract with the Sheriff's Office for patrol. Table 3.1 shows the bookings in 2002, populations in the 2000 Census, and the 2000 crime rate (the latest available). The cities above the dotted line are those with their own police departments. ILPP has examined the bookings as a function of population and of the local crime rate.<sup>29</sup> Two things are clear: 1) there are wide differences in bookings between cities when measured either as a function of population or of crime, and 2) the Sheriff's patrol, in general, books far fewer detainees than city police. South Salt Lake, Salt Lake City, West Valley, and Midvale have particularly high rates of bookings.

<sup>29</sup> As explained earlier, the crime rate is a measure of certain felonies, while jail bookings can be for any offense at any level. Crime rate, therefore, would not be expected to be reflected exactly in a comparison of bookings.

Table 3.1: Booking by City

<b>Jurisdiction</b>	<b>2000 Population</b>	<b>2002 Bookings</b>	<b>Booked by Sheriff?</b>	<b>Booking Rate</b>	<b>2002 Crime Rate</b>	<b>Booking: Crime ratio</b>
South Salt Lake	18,084	1,339	no	74.0	85.88	0.86
Salt Lake City	172,930	6,920	no	40.0	101.27	0.40
West Valley City	103,753	2,954	no	28.5	60.92	0.47
Midvale	26,688	717	no	26.9	57.23	0.47
Murray	34,151	896	no	26.2	103.96	0.25
West Jordan	63,893	747	no	11.7	49.44	0.24
South Jordan	32,320	272	no	8.4	28.26	0.30
Sandy	101,531	833	no	8.2	39.05	0.21
Alta	410	0	no	0.0		
Taylorsville	53,974	624	yes	11.6		
Unincorporated	173,868	1,684	yes	9.7	29.41	0.33
Holladay City	14,256	119	yes	8.3		
Herriman City	1,060	8	yes	7.5		
Draper City	19,862	86	yes	4.3		
Riverton	26,849	61	yes	2.3		
Bluffdale	4,455	10	yes	2.2		
subtotal	848,084	17,270				
Constable		710				
Other sheriff's office		6,368	yes			
Other local agencies		693				
subtotal		7,771				
Total local	848,084	25,041				
State		4,191				
Federal		755				
Other		119				
Total bookings		30,106				
Cost per jail bed, 2002				\$24,600		

Many of Salt Lake County's cities have Justice Courts to handle Class B and C misdemeanors. Table 3.2 shows misdemeanor filings in the Justice Courts in FY 2002, arranged in the order of filings rates (filings per 1,000/population). Again, there is a wide range. The cities that are high in bookings rates also are high in filings rates: South Salt Lake, Salt Lake City, West Valley, and Midvale.<sup>30</sup>

<sup>30</sup> No data was submitted in 2002 for Midvale, but its filings rate in 2001 would place it just below Alta. There was also no report for Salt Lake City. Its 2003 filings rate would put it just below South Salt Lake.



**Table 3.2: Justice Court Filings in FY2002**

<b>Jurisdiction</b>	<b>Filings</b>	<b>Population (2000)</b>	<b>Rate per 1,000</b>
South Salt Lake	1,711	18,084	94.6
Salt Lake City (2003)	15,870	172,930	91.8
West Valley City	7,432	103,753	71.6
Salt Lake County	9,195	174,963	52.6
Taylorsville	2,669	53,974	49.4
Alta	18	410	43.9
Midvale (2001)	1,169	26,688	43.8
West Jordan	2,562	63,893	40.1
Murray City	1,128	34,151	33.0
Holladay	264	14,220	18.6
Sandy	1,880	101,531	18.5
South Jordan	428	32,320	13.2
Riverton	238	26,849	8.9
Bluffdale	36	4,455	8.1
Draper	98	19,862	4.9

ILPP has been asked to determine the proportions of jail population resulting for the actions of the various policing agencies and courts. The jail data available to ILPP, at this writing, show the arresting agency for persons booked, but do not allow calculating the fraction of jail population attributable to each jurisdiction.<sup>31</sup> A gross estimate is possible: the average length of stay (ALOS) for all county inmates is 29 days, and the ALOS for Class B and C misdemeanors, respectively, is 15 and 18 days. Those two offense levels account for just about half of all bookings<sup>32</sup> and would therefore result in about a quarter of the local population.<sup>33</sup> With the average cost of a jail bed at \$23,000 a year, the County needs to maintain a balance between the requirements of justice and of the budget (especially for low-grade offenders).

### ***Population Projections and Time Frames***

Jails do not simply appear on the day they are needed. It takes years to open a jail from the day a decision is made to build, remodel, or develop an addition. While it is likely that Salt Lake County will next need a minimum security facility, there are other possibilities such as re-using Oxbow or having the cities construct their own detention facility. However, because there will ultimately be a time factor in good planning, ILPP proposes the following phases for developing new beds if proposed system changes do not alleviate the crowding:

1. Conceptual and schematic design- 3 months
2. Design development, construction documents, and bidding- 7 months
3. Construction- 18 months
4. Final Preparations- 3 months

<sup>31</sup> The Salt Lake County Auditor's performance audit used jail billings to determine utilization of the jail by jurisdictions. The report found that five jurisdictions- Salt Lake, West Valley, South Salt Lake, Sandy, and, West Jordan accounted for 86% of the jail billings from 1997 to 2000.

<sup>32</sup> Based on data from ILPP's tracking analysis.

<sup>33</sup> Half the inmates have ALOS of about 15 days and the other half have ALOS of about 45 days.

So, if it takes over two years to provide the Sheriff's Office with beds, ILPP recommends that the decision to build new beds occur as soon as the jail exhausts the next level of restrictions (i.e., to limit the admission of Class B misdemeanor offenders). Once this level is reached, the conceptual and schematic design phase (i.e., phase one) should commence. If the jail remains at full capacity during the three months of phase one, then the second, third, and fourth phases (as outlined above) should be triggered.

It is the position of ILPP that the cities might see the benefits and fund jail expansion or new construction in its entirety, plus future operational costs. If the cities desire to reach an agreement with the County and the Sheriff's Office prior to the implementation of tighter jail restrictions, then the above phases should be initiated upon a mutually agreeable date between the consortium of cities and the County.<sup>34</sup>

## KEY FINDINGS

- 1) Similar to national trends, the index crime rate in Salt Lake County has been decreasing since 1990. The crime rate in the County is above statewide figures.
- 2) The projected growth in the county population over the next two decades suggests that bookings at the jail will increase roughly 10%, mostly in the second decade.
- 3) Municipal police departments use the jail at various rates, but a handful relies on the jail excessively based on the number of bookings.

## RECOMMENDATION

- 1) The municipalities and the County need to collaboratively develop a strategic plan for a minimum-security facility that can be implemented *if other avenues of controlling the jail population do not prevail*. Included in the plan should be discussions of re-opening the Oxbow facility, albeit with municipal driven funding.

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<sup>34</sup> The State of Utah recently enacted SB196 which will impose new justice court fees. As part of the legislation, a portion of the fees may be applied towards the cost of incarceration. The funds generated, however, will only be a portion of the total incarceration cost and they will not cover transportation and medical expenses incurred by the County. The financial ramifications of the new law will need to be studied by the County in greater detail.

## 4. MANAGING THE RESOURCES

This chapter covers county budgeting and information systems that support criminal justice agencies. By considering these crucial topics in a wide lens, ILPP seeks to stress the interrelatedness of all agencies, and the dire need for coordination in planning and system development (as well as for the changes recommended herein). The danger of agencies going off in their own direction, without coordination, is often seen in overcrowding and rapidly increasing budgets. Hidden behind those problems can often be an information system that is getting worse, not better, and a budgeting approach that is simply incremental increases rather than re-direction.

### COUNTY GOVERNMENT

County government is rarely seen as part of the criminal justice system, even though it ultimately controls financing for the portions of the system covered by the General Fund. Because of county government's responsibility for facilities and fiscal matters, it can and should play an instrumental role in the justice system's development.

Importantly, the county government in Salt Lake County was recently reorganized entirely to create a strong mayor system and to allow for better intra- and inter-governmental coordination.

Budgeting, as is demonstrated throughout this study, is not employed to keep set direction or focus on management and coordination of criminal justice.

### FINANCES & BUDGETS

In Salt Lake County, as in most jurisdictions, the criminal justice system is financed primarily through locally-derived general purpose revenues.<sup>1</sup> The principal exception is the courts, which are state agencies. Table 4.1 displays the budget for justice system elements for the years 2000 to 2004. Final budgets for 2003 were not yet available by the publication of this report.

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<sup>1</sup> From the 2003 and 2004 Adopted Budget.

Table 4.1: General Fund

	2000 actual	2001 actual	2002 actual	2003 adjusted (June)	2004 adopted
District Attorney	14,467,062	14,955,710	15,573,168	17,237,696	17,608,510
District courts	227,313	159,551			
City courts	222	462	77		
County jail	39,976,065	46,605,383	45,316,648	49,689,240	51,089,902
Sheriff court services	6,730,961	7,618,994	8,869,023	9,989,401	10,838,553
Sheriff invest/support	20,155,433	11,830,392	11,909,868	11,962,456	11,246,998
Criminal justice services	4,940,432	5,648,302	5,714,873	6,428,667	7,324,025
<i>Justice subtotal</i>	86,497,488	86,818,794	87,383,657	95,307,460	98,107,988
<i>Fund total</i> <sup>2</sup>	152,044,943	146,462,723	152,268,576	166,022,993	168,947,921
<i>Justice percentage</i>	56.9%	59.3%	57.4%	57.4%	58.1%

In addition, the Municipal Service Fund includes expenditures for the justice courts and for the Sheriff's services to unincorporated areas and services under contract to certain smaller cities.

Justice agency expenditures consume over half of the county's General Fund revenues. Over the rather short period shown, it appears that the justice share is not changing much. That, fortunately, is in contrast to some other jurisdictions studied by ILPP, in which the justice share was growing by a steady 1-2% each year.

However, that optimistic picture is due entirely to the decline in certain expenditures by the Sheriff's Office. The individual components of justice are changing at different rates. The sheriff's budget appears to be strongly influenced by the services contracted by smaller municipalities and the services rendered to unincorporated areas. While the Sheriff's investigation and support function as shown in the General Fund has not grown since 2001, court services, the district attorney, criminal justice services, and the jail have all seen substantial increases.

The jail is by far the largest of those. In 2004, it is budgeted to consume 16.4% of the general fund. If both the jail and the total general fund continue to grow at their same rates through 2025, at that time the jail will require 34.8% of General Fund.

The policy changes recommended in this report could substantially reduce the rate of jail growth. If, for example, jail population could be held to the rate of growth of the at-risk population groups (the "population" curve in the jail projections section), jail costs would consume only about 11.1% of the general fund in 2025, far lower than the high projection and even somewhat less than the figure for today. While estimation of the 2025 costs requires some major assumptions, the general picture is clear: substantial savings can be realized over the years by managing jail population.

<sup>2</sup> In 2000, six major programs were included in the General Fund budget. They were Youth Services, Substance Abuse Services, Aging Services, Mental Health Services, Economic Development and Community Resources, and Community Development. They were moved in 2001 to the Grant Programs Fund. To make the totals comparable, those items have been removed from the General Fund total in 2000.

Though the figure is not shown in the budget, ILPP has been given to understand that approximately \$17 million in booking fees remains unpaid by the various municipalities in Salt Lake County. (It was not stated as to how many years those accounts have been accumulating.) This amount is approximately one-third of what it costs to operate the jail for one year. That sum would obviously be of great help in easing the financial burden on the county for jail operations.

## JUSTICE INFORMATION SYSTEMS

The efficiency of the criminal justice system can be greatly enhanced by a timely and coordinated flow of information among the agencies of the system. Conversely, barriers to information flow — whether technical or institutional—consume resources unnecessarily and delay case processing. All modern large jurisdictions, and most small ones, have found it essential to employ automated data processing for the required activities.

The requirement that case information be accurate and timely means that data should be entered no more than once, checked automatically whenever possible, and transmitted or at least made available to other agencies with a need for it. Duplicate entry of data wastes time, slows down information transfer, and introduces the possibility of inconsistency or error as well as causing unnecessary expense. For example, if a suspect's name is entered as "Johnson" at one point and "Johnston" at another, there has to be a manual check to determine whether two names refer to the same person. In the worst case, if there was no visible reason to check, the wrong inmate might be booked or released. Especially within a single agency, it makes no sense to duplicate data entry.

Similarly, it is wasteful to print out data and send the paper file to another agency whose staff then re-enters it into another computer system. At the least, the second agency should have the ability to view and download data. Better still, in many cases, the information should be forwarded automatically. Of course the originating agency may have reason to release only selected information, or to protect some or all of its information from modification by others.

Information flow is not unidirectional. The prosecution and the courts need to be informed by law enforcement or detention of persons arrested and awaiting court action. When court action has been taken, information about the action needs to flow back to the jail and the police or Sheriff. Likewise information may flow in several directions at once, for example to the prosecution, defense, and perhaps parole or probation. In many situations the center of the information flow network is the clerk of the courts, since the Clerk's office is the official repository of justice information.

Improved information flow results in improved case disposition times. The guilty are sent to punishment sooner, the innocent are exonerated sooner, and the jurisdiction realizes substantial cost savings at nearly every stage, most particularly in jail costs. Furthermore, more accurate information can improve the quality of justice by reducing errors in dispositioning or sentencing.

In Salt Lake County, each of the criminal justice agencies is fairly well automated when considered separately. All the agencies, persons, and cases are managed and tracked by database applications. All the information systems, except for the District Court and Clerk,

and the Public Defenders, are supported by and housed at a centralized county agency, the Information Services (IS). The District Court has its own computer services department.

The following is a brief description of the automated information systems for the major criminal justice agencies in Salt Lake County.

### ***Salt Lake County Information Services (IS)***

Most of the County agencies' hardware and software servers are centralized. They are housed and maintained at the County IS, which provides hardware and software support, including installations and backups. These agencies include the Sheriff's Office (including adult jails), District Attorney, Criminal Justice Services (including Pretrial, Probation, and Court Treatment Units), Human Services, and Substance Abuse. The Third District Court and County Justice Court are supported by the AOC IT division (described in detail in the District Court section). The Legal Defenders are not supported by the County IS.

### ***Sheriff and Jail***

#### Jail Management System (JEMS)

JEMS is a system that was built in-house by the County IS. It was implemented between 1990 and 1992. Written in COBOL, it has an IBM mainframe environment, and a DB2 database. It has 400 non-normalized tables. Data extraction is done with IBM SQMS for Windows. The user interface is a 3270 emulator with formatted screens.

JEMS was built on a very old environment and it does not take any incoming data from other systems. The data flow is one-way only – JEMS to other systems. This means that every time there is a new booking, JEMS sends an ftp file to the other system to populate certain fields. The other system has to be programmed to pick up the JEMS ftp file to populate its own database.

#### Record Management System (RMS)

RMS is a shared system used by the entire Sheriff's Office and the Salt Lake City Police Department. It was built by Versadex. The Sheriff's Office portions of the system are housed in the county, and city police servers/databases are housed separately at the City's data center. The databases are distributed and synchronized. Dispatch data of both systems is synchronized every five minutes for all new incoming case information. The RMS is also synchronized with the JEMS every two minutes to extract new bookings.

#### Internal Data Exchange with Other Systems

There is data exchange among JEMS and the jail medical information, finger printing, and mug shot systems. These are all separate systems. In-house programmers did part of the interfacing and vendors did some.

- **JEMS and RMS:** As mentioned above, JEMS and RMS are synchronized every two minutes.
- **Medical system:** This is a product from IMRAC Corp., also known as MedPearl or Emerald Corp. Their main business is selling medical information systems globally.

Jail medical services are handled by the jail itself, which employs contract doctors and nurse employees. Mental health services are contracted out.

- **Finger printing system:** Identix TP600, LS21. The fingerprint data transmitting process is as follows. First the booking officer takes the inmate's fingerprints and they are transmitted to the state office AFIS via WINS network. BCI faxes a confirmation back to the jail within two hours, together with a list of the inmate's criminal history, etc. If some information is still missing, the booking officers have to manually enter it into JEMS.
- **Mugshot system:** This is a product from Versadex, the RMS vendor, but it is implemented by PSP. The data from JEMS comes in as ftp and the mug shot system picks it up and shares the mug shot and data with the RMS.

#### External Data Exchange with Other Systems

- **Inmate unique ID's and booking ID's:** The SO number (Sheriff's number) is a unique identifier for each inmate. The DA and Pretrial also use the SO number, but the DA has another number that is generated by AIMS (see below). The jail also maintains state ID (or SID) inmate numbers generated by BCI, and in some cases inmates have an FBI number as well. Booking numbers are maintained separately, and there is a new booking number whenever there is a new booking so there can be multiple booking numbers corresponding to one SO number. Similarly the individual's state ID (or SID) is tied to specific criminal arrests and events by multiple offender tracking numbers (OTN) provided by the state.
- **Salt Lake PD:** As mentioned above, the dispatch and some other data are shared between the Sheriff's RMS and Salt Lake PD.
- **Pretrial System:** This was built at the same time as JEMS, housed on the County mainframe, and shares some database tables and data. Pretrial shares all the information that is entered into the JEMS system: name, charges, booking info, personal info, marks, locations, etc.
- **Attorney Information Management System (AIMS):** AIMS is used by the DA, who has access to the same jail information as Pretrial. All new booking data is sent to AIMS.
- **Courts:** The jail roster is sent to the courts daily, but it is only a text file, and there is no electronic exchange with any court systems. Text files are available on the web and are printed at the courts. (See Host-on-demand, below.)
- **Public Defenders:** Public defenders have access to the JEMS in the same manner as the courts, via the web. (See Host-on-demand, below.)
- **BCI/NCIC:** Officers can get into BCI from any Sheriff's terminal/PC. There are two methods of access, socket messaging and secure internet access. For socket messaging, they use client software provided by the state and an in-house server to manage the client access. The problem is that the data cannot be pulled into the RMS or JEMS databases electronically. For example, in the event of a warrant arrest, the Sheriff's Office serves and prints the warrant, and then as part of the booking

process, a clerk has to read the warrant information from the BCI printout and retype it into JEMS. The same applies for the criminal history. After inmates are finger printed and identified, the booking officer has to retype the state ID (which comes back from finger printing), aliases, criminal histories, etc., into JEMS.

The Sheriff's Office has been working with the state agency to make its RMS records available to other law enforcement agencies via BCI.

- **Host-on-demand:** This web-based system, known as Host-on-demand, was developed by the County IT. Host-on-demand is specifically for jail information. Web access to pretrial and DA information is limited, due to the confidential nature of pretrial data. Anybody who provides the jail with a valid request (if the jail decides it is appropriate) will get access to host-on-demand. The users can be from law enforcement agencies, law and justice agencies, or non-government agencies such as bonding companies. Host-on-demand is read-only access and no one has write access. Other agencies that use host-on-demand include work-furlough services, child support collection agencies, and social security administration. A lot of information is available through host-on-demand, but it is not electronically integrated/interfaced with other systems.
- **Public access to jail information:** In- and out- docket and the prisoner roster are available freely on the Sheriff's web site. Right now, the information is presented as a static sheet. The jail is developing an interactive web page system, where the public will be able to enter a name to access information including charges, bail, housing assignment, visiting, etc. for a specific inmate.

### IT Support

There are two IT staff in the jail and four dedicated IT staff from the County IS for the Sheriff's Office. One programmer manages the JMS, another programmer deals with RMS and CAD, and another handles Filenet which is a optical storage of all jail records, and the fourth IT person is the supervisor. The jail staff scan all documents and dispose of the physical documents after two weeks. The jail and Sheriff also rely on other services such as server support, desktop/software support, network, etc. from the County IS department.

### ***Salt Lake City Police Department***

Salt Lake City Police Department (SLCPD) shares the same system with the Sheriff, RMS from Versadex. It is fully integrated with dispatch and CAD, and with mobile report entries from the officer laptops through mobile data transport. All users have access to RMS either from the car or within the building. The SLCPD and Sheriff share the same database and server, which is housed at the SLCPD. One agency has read-only access to the other's database and cannot change anything. System administrators have access to both databases and can merge duplicate names.

### Data Sharing with Other Agencies

The State of Utah is working on a data sharing system where law enforcement agencies with different systems will be able to share each other's data. The SLCPD currently has access to Octim-Weaver Consortium database. There is a direct connection with the CAD system. The RMS gets jail data automatically, and also gets the mug shots from the jail. These mug



shots can be viewed in the cars. Courts get misdemeanor information and ticket citations. City prosecutors and district attorney have limited access to the RMS. Prosecutors and DA can bring up arrest reports directly from the RMS in real time. Although arrest reports are sent electronically, they are also still printing them out and storing them in files. This filing system will go away in the near future because the SLCPD is moving toward a paperless system. The RMS has a built-in document management system for scanning, searching and retrieving documents and has direct access to the BCI/NCIC criminal history.

A web based system is being developed for traffic reports, for public access.

### PC and Network Support

PC and network support are provided by the Salt Lake City IMS (Information Management Services). There are two dedicated programmers, a project manager, and three PC support staff. Additional help is available from IMS on an as-needed basis. Database backup and logging are currently being done manually by the SLCPD IT staff and IMS. This will be automated soon when they get a new server.

### ***District Attorney***

The DA's CMS is called AIMS (Attorney Information Management System). It tracks adults and juveniles, arrest through sentencing. It tracks defendants by case instance, single defendants. It can tie multiple defendants, which is consistent with what the courts are doing. (It was formerly a case system and had to revert to a defendant system.) Out of AIMS, the DA can produce management reports, subpoenas, and victim impact statements. There is a linkage to the document management system, and they can generate information directly from it. They do not track anything after sentencing with AIMS.

The DA had a system called Promise for a number of years, and then moved to the mainframe (natural and db2 environment). The County built the system about 11 years ago. They are currently working with the State Prosecutor's Association to switch over to a new web-based system. They just got a grant to do some initial work, but the project will not start within a year.

### Getting Data from the Jail

The DA's Office gets all booking data from jail system. If a defendant has a felony or a Class A misdemeanor, the case is brought directly to the DA where a case number is automatically generated in a batch process every midnight. For some reason, when other types of misdemeanor cases are booked into the jail (usually from unincorporated areas within the county) the same system takes the information. The AIMS maintains a link to the jail system to bring up historical booking information.

The AIMS also updates the jail data with the defendant information, so the jail people know what's happening with the defendants.

### Information Exchange between DA and Courts

Currently there is no electronic data exchange between the DA and Courts. The Courts are willing to connect with the DA but the IS department has not had a chance to work on that yet. They are looking at creating XML files to populate the court database with their case information. The XML files will also include jail data.

### ***Human Services Department***

There are several units/sections under the Department of Human Services (DHS). Each unit has its own database applications. They coordinate data exchange issues among themselves. Human Services itself does not have an umbrella type of case management system, and does not have a direct data exchange (regarding criminal data) with any criminal justice agency.

#### PC/Network Support

DHS attempted to obtain a staff position for a dedicated IT person a couple of years ago, but was not successful. Currently, the IS Division track the number of support calls and service it provides, and bills DHS for its services. DHS staff reported that they get good support for PC's.

#### User Meetings

Before the change in form of government, there used to be monthly meetings with the County IS division, for overall IT issues and not just criminal justice.

### ***Criminal Justice Services Division***

There are three different units at the Criminal Justice Services: pretrial, probation, and court treatment services.

#### Pretrial Unit

The data is collected on the mainframe system, which is tightly linked with the jail management system, JEMS. The system records client information such as name, address, sex, DOB, charges for the arrest, employment, education, drug use history, mental history, etc. This information is entered directly into the database when the case manager is interviewing the inmate in the jail. They have access to some jail booking screens and can pull some information into their database since the jail and Pretrial are on the same system.

When clients are released from the jail, they come to the pretrial office to meet with the case manager, who enters the information into the state database, which in turn generates a report with a list of people on supervision.

#### Probation Unit

This unit is in the process of switching from the old mainframe system to a new system called CJS-Track (which is the same system used by the State of UDC's F-Track system). The user training will finish by the end of 2003. Some users who have gone through the training are already entering in new cases in CJS-Track. CJS-Track gathers all information related to the offender, along with case information from the courts.

CJS-Track will have no connection to the sheriff and jail systems. All inmate information that is entered into the jail system will then have to be re-typed into CJS-Track. But not all of the people under probation are booked into the county jail. Depending on the offense, officers can just issue tickets and tell the offenders to appear in the courts.

This is a step back in terms of data integration because the connection between probation and the jail is now broken.<sup>3</sup> Although it is not a state requirement to move to CJS-Track, all units of Criminal Justice Services are switching to the new system because not only are the features of the case management system improved, they can share information with state level Department of Correction systems. The old system was not able to output reports, statistics, demographic information, and lists of offenders.

Currently, it's not constantly required for the probation unit to send statistics to any state or county agency, although it is required when they apply for a grant or file an annual report. But every time they do that, the statistics have to be calculated manually with the old system.

### Court Treatment Services

The case management system was developed with a Microsoft Access database, which collects a lot of demographic information on the clients. It collects almost the same information as the probation system, plus more detailed information such as drug testing reports, case notes, etc. The information is entered directly from the courtroom terminal. The judges have access to it and can enter the system directly from the court.

### Data Exchange with Other Agencies

The Criminal Justice Services have access to the court docket system, but they have only read-only access.

- **JEMS:** Mentioned above.
- **Court system:** Has read-only access to some screens.
- **State criminal ID system (BCI):** Case managers have access to state BCI rap sheets (criminal history), but there is no electronic exchange. It would be more efficient if that information could be pulled up within their new system, but nothing is linked up. They have to open a separate program to look up rap sheets.

BCI information is pulled from all units (Pretrial, Probation, Court Treatment). In Pretrial, the case managers use them. They also have some managers go to courts and make recommendations to the judges, giving them information on the prior history. Probation service case managers also use rap sheets to identify criminal histories for PSR's and probation services.

- **Physical (paper) files:**

Pretrial – Files are made only for selected people.

Probation – Each client has a file. Clients have to sign the probation agreements, which list all the probation requirements the judges issue. These sheets are filed. Treatment referrals are filed on a different type of paper form.

Court treatment – Case managers keep files on all their clients. In addition, the treatment unit keeps separate files for confidential information, due to state licensing. Not everybody gets access to those files.

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<sup>3</sup> The Probation Unit still has access to the jail system and the old mainframe system, though not as seamless.

### Current Projects

Upgrading is being done one unit at a time. Probation is upgrading right now. Customization is in progress for pretrial and court treatment units. As soon as probation is done, then pretrial is next. The court treatment unit is also on the schedule for upgrading.

- **Project management/design/customization:** The Criminal Justice Services hires IBM through the State of Utah. IBM is the original contractor that developed the DOC and AP&P (Adult Probation and Parole) systems. The new system being put together with grant money and some different parts of the budget. A project manager from IBM and the CJS IT person are working together with several users on the implementation. County IS knows about the project, but is not actively involved.
- **Small updates, patches to the current systems:** Probation has developed a simple Excel file to track referrals, judges, requirements, etc. This will go away when the new systems are fully up and running.

### ***Substance Abuse Services Division***

The Substance Abuse Services Division uses two MS Access programs for tracking treatment information and billing. A web based system called WITS is being implemented, to track substance abuse services and clients. It will finish around April 2004. This is a pilot implementation and it will be expanded to other counties in the state. With this system, the case managers can track referral intakes, billings, after-care, and some clinical treatment usage. The system was initially developed by the states of Maryland and Texas, and was available free to substance treatment agencies.

Substance Abuse Services has no electronic data exchange with any justice agency. Referral information is sent from the drug court and probation, in paper form. Currently other agencies have to depend on the phone to find out if a client is in the Substance Abuse program.

The agency recently assigned a person to handle criminal cases. Since then the communication with other justice agencies has improved significantly.

### ***Third District Court and County Justice Court***

The District Court has a system called CORIS. All District Courts throughout the state, and some of the smaller local jurisdictions – cities and county justice courts – use CORIS. The Salt Lake County District Court has been using CORIS since December 1997, when it was first implemented, and statewide implementation in district courts was completed in 1998. The CORIS application was written in-house by the AOC IT staff with the help of some consultants. The application development was started in 1992, and first implemented in 1995. It was written with PowerBuilder, and the database is Informix (using Informix stored procedures and 4GL).

### Installations

All 37 District Courts in the State, and 33 city and county Justice Courts, are using the system. There are about 120 Justice Courts in the State and most of them use a product

called CASEL. Those courts use CASELLE because it offers other county management software programs which include accounting and collection modules.

#### Data Centers

Database servers for District Courts are housed at the AOC. Some justice courts host their own database servers and some smaller justice courts are hosted on a server at AOC. Backup tapes are stored off-site.

#### Data Exchange with Other Agencies:

There are several interfaces between CORIS and some of the state and local agencies.

- **Department of Public Safety (DPS) system:** There is an interface that runs periodically, to send BCI, DLD, FTA, and warrant processes. This information is made available to the Justice Courts via the DPS system.
- **BCI:** There are also other interfaces that run twice a week and send information over to DPS, Bureau of Criminal Investigation (BCI), and also to the Driver License Division.
- **Utah Department of Corrections (UDC):** A program runs every night that sends criminal sentencing information to UDC and Adult Probation and Parole (AP&P). The main reason for this connection was to provide the AP&P with information on fines and fees that it collects from defendants. Fine and fee information for the defendants, so that AP&P can collect those.
- **State Office of Debt Collections:** A program runs every night that sends list of unpaid fines and payments which are over 90 days overdue and which the court is no longer going to try to collect. The Office takes over those cases and tries to do collections for them.
- **Mental Health and Gun Registry:** A program runs nightly to send these agencies information on persons claiming or found by the judge to be not guilty by reason of insanity, or guilty but mentally ill. These persons are placed on a registry at Public Safety so they cannot buy guns.
- **Web-based Xchange:** This is a free web-based inquiry system for public agencies to look up District Court data. It is also available commercially by subscription. There are some high level discussions about whether to include Justice Court data in this system.
- **Jail Transport Calendar:** There is a small program that pulls data about scheduled hearings, which is then sent to the Salt Lake County jail to arrange prisoner transport.
- **Utah Criminal Justice Information System (UCJIS):** This project provides an interface into the District Courts' data for persons who have access to the state UCJIS system. There are some discussions about placing some calendar data in XML format so it can be queried and uploaded into the District Attorney's system.

- **Web Calendars:** There is a program that pulls District Court calendar information and places it on a public web-page. This program is available free to Justice Courts as well, although they have to provide their own web servers.
- **Legal Defenders:** Legal Defenders only have web access, where they can run reports for a single case or run/view the calendar. They have the same security level as the public and do not have special screens.
- **Other Projects:** There are other smaller projects where the court accepts electronic filings from the Tax Commission, Office of Recovery Services, and Department of Workforce Services.

The jail sends booking information to the court every morning via email and also sends data about bail payments that is made at the jail.

- **In progress:** An interface is being developed<sup>4</sup> with Public Safety where the court would accept files of data each day containing traffic ticket information from the UHP and other local law enforcement that are integrated with DPS. The system should be in place for a District Court pilot site by December. When that process is proven, the programs will be made available to the Justice Courts so that they can reduce the manual re-entry of traffic ticket information.

#### Other Data Exchange Issues/Plans

The court has been engaged in discussions with the DPS concerning whether there should be a real-time upload of the warrant system (which is currently be uploaded every night). Because there is no real need, they have not pursued this yet.

There are some other issues with the County Justice Court. The County Justice Court has its own database, and it manages its own data transfer to the DPS. Justice Court does not have as many technical staff as the District Court (AOC) does, and so sometimes it has difficulties in trouble-shooting.

The County Justice Court began using CORIS a number of years ago, and hired consultants to implement some specific changes; there are some conflicts with the District Court's direction. There are some legislative changes that the courts are required to do. To meet those requirements, the justice court may have to use the latest version of CORIS. However, when the Justice Court upgrades its system with the latest version of CORIS, it will lose the changes/modifications and some data.

Currently the AOC has some grant funding to support the Justice Court. The Commission on Juvenile Justice (CCJJ) provides grant funding for criminal justice projects and funded the AOC to provide additional support to the Justice Court by implementing CORIS. Grant funding is drying up, and no new funding is coming in, so the AOC is developing a fee structure. In the future, the justice courts will have to pay AOC for the use and support of CORIS. A fee structure for Justice Courts use of CORIS is under consideration, but no decisions have been made.

- **CORIS Support:** AOC has a help desk that the Justice Courts can call. However, its CORIS help desk can only help with problems that are specific to the CORIS

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<sup>4</sup> The interface should be in place in March 2004.

program and not questions related to Justice Court modifications. AOC also provides CORIS training classes.

- **PC and network support:** AOC provides all pc and network support for the District Court. It also provides contract support to smaller Justice Courts.
- **User Meetings:** User meetings are conducted only on an as needed basis and only on the IT level. CJCC organizes regular meetings among administrative level staff, including Public Safety, the courts, and Corrections. IT directors from those three agencies are included in the meetings.

### ***Legal Defenders***

Legal Defenders use a case management system called Client Information System (CIS), which was written by a contractor. CIS was written in DOS 20 years ago and was rewritten/upgraded to a Windows based system a year ago. It is a proprietary system specific to their agency.

### **Data Exchange with Other Agencies**

- **Jail:** Legal defenders have access to the jail roster. They get charge information for the assigned cases. They can get the jail roster through the web based host-on-demand system and they have direct access into the jail's JEMS system.
- **District Courts:** The Legal Defenders have access to statewide court dockets, which handle Second and Third District Courts.
- **Salt Lake City Justice Court:** Has a VPN access to the City Justice Court system. They will be able to do electronic filing in early 2004, for misdemeanor B and C cases only.
- **County Justice Court:** There is no computer access to the County Justice Court system. Everything is done via phone, fax and letters.
- **District Attorney:** The DA's Office has no automated exchange. Documents come in as paper, CD's and DVD's. There is a runner who delivers and picks up documents at the District Attorney's Office, the District and Justice Courts, the Attorney General's Office, and the City Prosecutor.

## **FINDINGS**

Salt Lake County and all of its criminal justice agencies recognize that the justice system must move toward full automation and integration of the criminal justice system database and record/case management systems. The old mainframe systems have some level of integration as all components were developed in-house by the county IS and were compatible to each other.

Now all justice agencies have moved or are in the process of moving out of the mainframe environment. Probation has already moved out. Pretrial and drug treatment services are in the process. The District Attorney is more in the planning stage. In this transition period there are many gaps and inefficiencies, including expensive duplication of data input, delays, errors, and lost opportunities for cooperation and collaboration. There is a danger of having

delays and new technological/political hurdles for data integration. Criminal Justice Services will be further away from the jail, technologically.

1. All the criminal justice agencies are well automated *within* each agency. Each agency has at least one or more database applications.
2. Old mainframe systems which are/were used by all justice agencies have some limited inter-agency data integration.
3. This vital integration is being disrupted while all agencies are moving out of the mainframe environment to more modernized applications (District Court, Sheriff, and District Attorney) and to mandatory state systems (adult and juvenile field services).
4. To get around the non-integrated systems, the owner agencies of these database applications give read-only access to other agencies but do not integrate the data.
5. Because of the lack of automated data integration, users have to look at one data screen to get information or print, only to switch to another to enter the same information. This duplicative data entry increases the incidence of human data entry errors and even lost data, which is very expensive.
6. There are no regular meetings among database application users from different agencies. There are no formal meetings among top officials from different criminal justice agencies for planning data integration.
7. The jail wants to get a new system to replace JEMS, but does not have the funds.
8. The data connections between the jail, Pretrial, and Probation are gone and the connection between the jail and DA may go away as well, as the district is planning to get a new system. These are serious problems.

## Recommendations

The following recommendations relate to all the systems taken as a whole and data flow through the system.

- 1. The County and municipal governments should adopt a common integration and data flow policy.**

Each agency should review its databases, and either replace or modify them if they are unable to produce and transmit information in standard ASCII or XML database formats.

- 2. The County should acquire a data integration software program or develop one in-house that permits day-to-day operational information from each agency to be relayed to the next user downstream without duplicate entry of data.**

This should also allow the automatic addition of the new agency's data from its databases without the need for further human data entry. This system should utilize an open architecture under widely accepted standards for the exchange of data. It should permit secure transmission of data and should allow each agency to control the flow of data to others as permitted and required by law. Initially, to avoid



conflicts among agencies, it should reflect the current movement of information. Later, an inter-agency group should review the case flow to achieve efficiencies once the various users have become familiar with the capabilities of the new system.

3. **The integration software and agency databases should be accessible to report writing software that can be utilized by a skilled agency employee in each agency.**
4. **Each information system must be able to export its data in a standard format that can be imported into future systems. Any manufacturer whose product cannot do this should be required to modify the product to add that capability, or the product should be replaced.**
5. **Database applications that need replacing should, if possible, be paralleled for a number of years by a new, more flexible data system that does not require double entry of data.**

If a manufacturer cannot or will not permit access to data in the old system, alternatives for automatic access to that information should be evaluated on a case-by-case basis. The goal should be to avoid having to access old data manually in the old system in order to re-enter it in the new system as seldom as possible.

Replacement databases that require a wide variety or larger number of data entry points should use a standard web browser for data entry rather than requiring expensive network client administration. Databases that have only a few data entry points can use client-based software or browser entry.

6. **CJAC should organize a sub-committee with at least two representatives (one top official and one database application user) from each criminal justice agency, and schedule regular weekly or monthly meetings to discuss IT problems and do integration planning.**
7. **The jail should take a second look into UDC's O-Track system, to use it as a new jail management system.**

O-Track was developed by Utah Department of Corrections. It cost over \$9 million to develop. It has prison and probation/parole modules. The state of Alaska added a jail module and implemented O-Track at all the jails in Alaska. O-Track is installed at state prisons in Utah and New Mexico, and is working very well. IBM was the original vendor was hired to develop O-Track, but the state owns the source code. The program will be free, but the jail has to make some customizations. The estimated cost for a new commercial system will be between \$2 and \$5 million, according to the jail. The estimated cost for customizing O-Track for Salt Lake jail (to meet the specifications provided by the jail staff) will be around \$25,000,<sup>5</sup> according to the IBM project manager who is working for UDC. The County will save a lot of money and the jail will get a new modern jail management system if it goes with O-Track.

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<sup>5</sup> This figure does not include the cost for hardware, which could range from \$50,000 to a few hundred thousand dollars, depending on the configuration. The Pretrial Unit is also offering to share its hardware and database server to the jail, although it is not clear that the Pretrial server can handle the jail user load.

## 5. MANAGING THE FLOW (LAW ENFORCEMENT)

Law enforcement for Salt Lake County residents and visitors is provided by ten municipal agencies and the county Sheriff's Office; which provides service to unincorporated portions of the county and contract police services to four additional municipalities.

In addition, the county is served by the State Highway Patrol, the Department of Public Safety, law enforcement for two school districts, the University of Utah Police Department, state police, federal agencies and specialized units such as fish and game and forestry .

Table 5.1 shows the population served, current agency staffing, and the ratio of staffing per 1000 population for each of the county's law enforcement agencies.

**Table 5.1: Salt Lake County Municipalities – Law Enforcement Agencies**

<b>Municipality</b>	<b>Population</b>	<b>Officers Assigned</b>	<b>LE Staffing Per 1,000 Ratio</b>
Draper	29,443		
Midvale	27,959	42	1.50
Murray	43,967	80	1.82
Salt Lake City	184,354	411	2.23
Sandy	94,843	117	1.23
South Jordan	33,337	38	1.14
South Salt Lake	22,192	61	2.75
West Jordan	86,763	96	1.11
West Valley City	113,129	181	1.60
Alta Marshal	382		26.18
<b>Non Municipal Law Enforcement Agencies</b>			
State Highway Patrol			
Department of Public Safety			
Two School Districts			
Univ. of Utah PD		31	
Sheriff's Office	349,076	392	3.52
<b>Municipal Contract Law Enforcement by Sheriff's Office</b>			
Bluffdale	5,634	2.98	0.53
Herriman	6,290	2.88	0.46
Holladay	19,337	23.32	1.21
Riverton	31,291	15.58	0.50
Taylorsville	59,722	47.24	0.79

Source: Sheriff's Office documents and UCR data

## LAW ENFORCEMENT OPERATIONAL PRACTICES

Law enforcement operating practices and the manner in which police exercise discretionary arrest and transport powers have an immediate impact on the criminal justice system and crowding in the jail. Their operational practices and discretionary powers have an impact on charging, bail, and number of arrests submitted to the jail. Discretionary powers at the point of arrest generally include citation in-lieu of arrest and incarceration, stationhouse release in lieu of arrest, referral to community agencies, and informal diversion programs.

Both the Salt Lake City Police Department and the Salt Lake County Sheriff's Office maintain a policy allowing arresting officers to release defendants on citation in-lieu of incarceration. Exact statistics were not available from any of the agencies in the county, although in interviews, many agency representatives stated they believed there were much larger numbers of arrests without incarceration than incarceration placements. Most misdemeanants, they suggested, are issued citations in-lieu of arrest, except in circumstances that require incarceration. Those circumstances can include:

1. Protection orders
2. Warrants
3. Repeated domestic violence incidents
4. Prior failures to appear in court
5. Threats to self or others
6. Arrests for investigation purposes, etc.

The use of frequent use of field citations is not supported in any data.

The impact of routine officers on late night shifts can dramatically impact the workload of all the downstream agencies, and contribute in a significant way to the current overcrowding of the jail and courts.

The stated policy prefers an incarceration if there is probable cause to identify an assault or there are threats of an assault. When a law enforcement officer responds to a call for service, he or she is informed of the nature of the incident by the Communications Center, which relays the information that was called in to the officer. On arrival, the officer has a variety of options available, depending on a wide range of variables, including the type of offense.

### ***Cooperation***

Law enforcement agency staff stated that cooperation among police agencies and sharing of information was excellent and that intelligence information is shared through published and electronic bulletins. The two largest agencies, Salt Lake County and Salt Lake City maintain weekly bulletins, to which the smaller agencies contribute information. The city and county agencies also utilize the same computer aided dispatch (CAD) and records management systems (RMS) system, which compliment each other. The other agencies in Salt Lake County use the "Spillman" system for records management, an older system that is not compatible with data sharing.

Police agencies communicate between vehicles by radio, either by switching to appropriate channels or with the assistance of the dispatch center. Salt Lake City maintains its own Dispatch Center and 911; Salt Lake County participates in its own Dispatch Center. The Sheriff's 911 calls are handled by Valley Emergency Communication Center (VECC), then transferred to the county center. VECC is a private organization with chief administrators of the smaller agencies serving as board members. Currently Salt Lake City and County back up each other's system. There is no backup to VECC. System administrators intend to remedy radio system incompatibilities by moving to the same communications model so radio communications are compatible and offer redundant services throughout the valley.

All law enforcement sworn personnel use a take home vehicle (patrol and investigations/ marked and unmarked). Take home cars may be used for personal use within the boundaries of Salt Lake County following written restrictions. This practice creates a greater law enforcement presence within the community at large.

### ***Problems***

Law enforcement officials expressed the opinion that the County will likely need new jail beds to increase capacity, observing that following the completion of the new Salt Lake County Jail it took only six months for it to be filled to capacity. There are already limitations to officers' alternatives for coping with offenders, and the county's population is growing.

The City of Salt Lake negotiated years ago to close its city jail and instead make use of the county jail; other jurisdictions are unwilling to consider local alternatives because of their high cost. Salt Lake County operates the only jail system. A few police agencies have temporary "holding cells" but typically do not hold arrestees overnight. (The Utah State Prison is also located within the County.)

Gang activity is perceived by the police to be a growing problem in the Salt Lake area. To address this issue, the criminal justice system has formed a "Gang Project" task force, funded by a Federal grant. This task force is said to receive good support from the local agencies. The program is currently housed in the Sheriff's Office building, with the Sheriff's Office taking the role of the lead agency. Other county law enforcement agencies contribute manpower.

Of the communities in the county, Salt Lake City has the most significant problem with homelessness, but this problem tends to spill over to other jurisdictions. The City provides services for the community and many homeless individuals. During the winter, the City houses up to 600 people in shelters.

Law enforcement agencies report that few options are available for dealing with persons with mental health problems, drug problems, or alcohol problems when they are encountered during arrests. Law enforcement representatives state that drugs and alcohol contribute significantly to the number of crimes; but that the drug courts have had a positive impact in this area.

### ***Warrants***

Warrants are a decentralized law enforcement service and each jurisdiction files and handles their own warrants. Each agency submits new warrants to a state-wide database which is

queried by officers in the field. Little coordinated effort to follow up on the outstanding warrants occurs in Salt Lake County. Because a defendant may be directed to many locations to deal with outstanding warrants, a central location and method to dispose of warrants could improve the system. However, funding for servicing the number of warrants could defeat development of a coordinated response. Each city receives the fines and revenue from collection but cost of service would likely be born by the County.

## **SALT LAKE CITY POLICE DEPARTMENT**

The Salt Lake City Police Department employs 411 officers and a total staff of over 600 to service a city population of 185,000.

The City of Salt Lake funded a 1997 study of its criminal justice system by ILPP because of a concern that continuing crowding of the jail was causing city police and the county jail to divert many offenders, even in cases involving serious levels of crime.

The City has also considered developing a minimum security jail to house people arrested for crimes that are not serious enough for incarceration in the county jail. Officers face particularly difficult circumstances when they arrest persons for “quality of life” offenses, and the jail is crowded. There are also problems with the suspect identification system. One option would be for the city to provide short term holding for such cases. Because of the costs associated with this option, the city deferred a decision.

### ***Domestic Violence Cases***

Domestic violence is not a legal classification but rather a relational connection of the parties involved in a physical confrontation. If a law enforcement officer determines probable cause that such an offense occurred, and that one of the parties was the aggressor, the preferred course of action is physical arrest and incarceration. The officer has the option to issue a citation for appearance at a later date, although most offenders in these cases go to jail. However, once an arrest for domestic related offenses occurs, the defendant is always held until arraignment by the court.

### ***Felony Cases***

In all felony cases the officer must physically arrest and incarcerate a defendant once the decision to charge has been made. Other jurisdictions allow officers to issue a court appearance for minor felony charges. The decision to charge is based on probable cause to believe the offense occurred and that the defendant is the person who committed it, or the offense was committed in the presence of the officer. The prosecutor may authorize release on specific cases at the request of law enforcement authorities. Otherwise, the options for felony offense are as follows:

- a. The officer may take the defendant to the arresting agency for investigative purposes.
- b. The officer takes the defendant to the Correctional Center for booking.
- c. The officer may authorize a pre-arraignment release for those charged with Class 3 or 4 felonies.

***Misdemeanor Arrests***

The Salt Lake City Police Department states that it monitors all misdemeanor arrests, mandating that each arrest follow a written policy on incarceration and be approved by field supervisor.

The following tables provide an overview of the reported statistical trends of arrest in Salt Lake City.

**Table 5.2: City Summary of Charges at Arrest for Salt Lake City Police 2000 – 2002**

NCIC Group	Bench Warrant	Charge at Booking	Juvenile Cite	Misdemeanor Cite	Court Arrest	Outstanding Warrant	Grand Total
Homicide		25					25
Kidnapping		82		9	9		100
Sex Assault		86				7	93
Robbery		456	4		4	4	478
Assault		3,413	773	1,404	334	3	5,927
Arson		37	1	2			40
Extortion		182	2				184
Burglary		1,190	759	1,413	9	6	3,377
Larceny		1,663	1,238	2,586	28	7	5,522
Motor Vehicle Theft		582	25	2	12	1	622
Forgery		470	13	36	4		523
Fraud		143	2	66	54	2	267
Stolen Property		321	20	23	2	2	368
Vandalism/Damage		909	402	447	114	2	1,874
Dangerous Drugs		4,811	532	2,407	26	3	7,779
Sex Offense		85		2	2	1	90
Family Offense		483	2	228	16	6	735
Gambling		220		143	7	3	373
Commercial Sex		371		694	2	1	1,068
Liquor		1,095	841	8,144		6	10,086
Obstruct Police		3,019	415	1,266	6	22	4,728
Warrants/Escape	193	14,336	15	94	86	17,993	32,747
Obstruct Judicial		86	32	130		2	250
Weapons		526	102	193	9	2	832
Public Peace		1,348	1,288	1,934	149	9	4,728
Traffic		2,945	180	3,910	49	8	7,092
Health/Safety		4		2			6
Trespass		1,047	61	133	41	2	1,241
Smuggling		20		1			21
Racketeering		18					18
Conservation		18					21
Against Property			1				3
Morals		77	18	389	6		490
Public Order		3,894	521	2,846	12	14	7,287
Juvenile/Status		26	6			57	89
<b>Grand Total</b>	<b>193</b>	<b>43,985</b>	<b>7,253</b>	<b>28,509</b>	<b>981</b>	<b>18,163</b>	<b>99,084</b>

The 5 year historic summary of Part I, index crimes shows a stable number and slight decrease in reported offenses.

Table 5.3: Salt Lake City Police Reported Part I, Index Crimes

Offense	Actual Crimes Reported/January - December				
	1998	1999	2000	2001	2002
Homicide	21	20	14	21	13
Rape	146	152	138	126	125
Robbery	593	481	570	492	468
Agg-Assault	704	767	746	741	677
Arson	92	88	97	59	94
Burglary	2,837	2,144	2,186	2,270	2,448
Larceny	14,662	13,549	12,207	13,480	13,677
Auto Theft	2,024	1,742	1,468	1,626	1,597
Total Part One Crime	21,079	18,943	17,426	18,815	19,099
Total Calls for Service	260,630	260,063	242,400	241,662	234,583
Total Violent Part Ones	1,464	1,420	1,485	1,380	1,283
Total Property Part Ones	19,505	17,621	15,958	17,435	17,816

The following table compares the Part I, Index Crimes to the number of residents in the City.

Table 5.4  
Crimes per 100,000 Resident Population

Offense	1998	1999	2000	2001	2002
Homicide	11.8	11.1	7.7	11.5	7.1
Rape	82.0	84.4	75.0	69.2	68.5
Robbery	333.1	267.2	314.5	270.3	256.4
Agg-Assault	395.5	428.1	411.1	407.1	371.0
Arson	51.7	47.8	63.6	32.4	51.5
Burglary	1,593.8	1,191.1	1,206.2	1,247.3	1,341.4
Larceny	8,176.3	7,527.2	6,735.4	7,406.6	7,494.2
Auto Theft	1,137.1	967.8	810.0	893.4	876.1
Total Part Ones	11,781	10,525	9,624	10,338	10,466
Total Calls	146,421	144,474	133,748	132,726	128,539
Total Violent	823	789	808	758	703
Total Property	10,958	9,734	8,806	9,579	8,762
Population estimates used	178,000	180,000	181,237	182,000	182,500

Source: Salt Lake City Police Reports

*Salt Lake Police Department Historic Budget and Staffing*

The following table represents the last seventeen years of Salt Lake City Police Department budget and staffing summary.

**Table 5.5**

<b>Fiscal Year</b>	<b>City Population (estimates for non- census yrs)</b>	<b>Police Dept Total Budget</b>	<b>Total Staff in Police Dept.</b>	<b>Authorized Sworn Officers (general fund)</b>
1983-84	161,790	18,579,569	528	
1984-85	161,479	20,964,939	523	
1985-86	151,168	20,912,878	518	
1986-87	160,857	20,039,924	501	
1987-88	160,546	19,003,567	487	
1988-89	160,235	18,641,913	480	
1989-90	160,405	19,223,050	487	
1990-91	168,425	20,858,608	460	
1991-92	171,794	21,774,377	454	
1992-93	171,976	22,964,699	451	
1993-94	171,190	23,997,529	441	
1994-95	170,782	29,901,352	536	
1995-96	171,478	31,422,933	565	362
1996-97	172,178	34,528,218	558	384
1997-98	172,880	36,056,477	574	394
1998-99	173,858	37,256,443	581	404
1999-2000	181,743	39,278,135	578	413
2000-01	181,931	39,815,052	579	414
2001-02	182,529	43,241,596	581	413
2002-03	183,056	42,425,069	582	413
2003-04	183,583	43,219,399	577	411
2004				410



## SHERIFF'S OFFICE

The Law Enforcement Bureau of the Sheriff's Office is responsible for the delivery of services traditionally associated with police operations. It is composed of five Districts/Divisions that are responsible for all patrol, investigation, and other specialized duties.

In 2002, the Bureau was restructured to include the East, West, and South Districts, and the Investigations and Special Operations Divisions. The "Districts," previously known as "Divisions," were renamed to reflect the addition of property crime investigations to their primary patrol responsibilities. The Investigations Division handles all crimes against persons, narcotics and fugitive investigations. The Special Operations Division provides specialized service for canyon patrol, search and rescue, SWAT, and major traffic accident investigations.

The Bureau provides service to the unincorporated areas of the county as well as five municipalities that contract with the Sheriff's Office for their law enforcement. The cities of Holladay, Taylorsville, Riverton, Bluffdale and Herriman each fund up to thirty patrol deputies and share in the cost of other investigative and special services.

The Office develops measurable goals and objectives each year. The Administration and District Commanders (civilian and sworn) attend a one-day retreat to discuss current issues and set the direction of the organization for the future. Tasks are assigned to presenters for future topics with follow-up tasks indicating desired outcomes. District goals and objectives are developed by respective District Commanders of the Sheriff's Office.

A moderate to high use of technology is incorporated in the Sheriff's law enforcement operations. A Sheriff's Office Technology & Information Committee (STIC) meets monthly, comprised of civilian and sworn personnel, who are tasked with reviewing all new technologies applicable to the law enforcement community.

Mobile data computers (MDC) are in each vehicle and contribute to officer's effectiveness while reducing the load on the communications center. Nearly all patrol cars contain non-lethal munitions. An automated vehicle locator system and the supporting mapping system are now being developed.

Salt Lake County received national awards for their fleet management plan. Vehicles are replaced on an annual basis.

The Office guides arresting officers on the use of incarceration through written policy specifying arrest standards. The domestic violence policy requires specific actions, including incarceration. Officers try to use a detoxification center available to all agencies in the county for arrestees that are merely intoxicated. The Office reports that serious mentally ill offenders are handled, when possible, through local hospital mental evaluation commitments.

There are no remote booking locations for the Sheriff's Office. Officials report that intake processing is timely, at 15 – 30 minutes. Juveniles are booked at a separate facility. Felony arrests are incarcerated while those arrested for driving while intoxicated may be released to a responsible person after processing.

Table 5.6: Sheriff Staffing

Assignment Area	Sworn Law Enforcement and Corrections	Civilian Staff
Unincorporated law enforcement service	208	
Contracted law enforcement services	92	
Court & Protective services	147	
Support and Countywide law enforcement services	40	
Civilian support on the Metro Jail (corrections)		236
Metro Jail (corrections)	448	
Civilian support on the law enforcement		149
<b>Totals</b>	<b>935</b>	<b>385</b>

Table 5.7: Staffing Levels – October 20, 2003<sup>1</sup>

Agency	Allocations
<b>Law Enforcement</b>	
Sheriff	1
Undersheriff	1
Chief Deputies	2
Captains	8
Lieutenants	19
Sergeants	51
Deputies	300
<b>Total:</b>	<b>382</b>
<b>Corrections</b>	
Captains	4
Lieutenants	17
Sergeants	43
Correctional Officers	447
<b>Total:</b>	<b>511</b>
<b>Protective Services</b>	
Corporals	2
Protective Service Office	32
<b>Total:</b>	<b>34</b>
<b>Office-Wide Support</b>	
Civilians	300
Temps/Part-Time	150
<b>Total:</b>	<b>450</b>
<b>Total Employee Count:</b>	<b>1377</b>

<sup>1</sup> We have been informed that these staffing numbers have changed since the time of data collection and there has been some additional downsizing.

## FINDINGS

Law enforcement in Salt Lake County is constrained by the many agencies, as well as problems of policy and coordination. These problems manifest themselves in varying approaches to jail use, court appearances, crime analysis, and inter-agency coordination overall. The findings suggest a general movement towards consolidation.

1. In ILPP's first report to Salt Lake City, arrest and release data demonstrated that a basic problem in the system is the lack of a uniform arrest policy in Salt Lake County. This results in differential jail use, many cases that result in quick release but serious ongoing costs, and a general waste of city taxpayer resources in needless transportation to the jail. The recommendation in the first report to implement a county-wide citation in lieu of arrest policy was not heeded. It is repeated herein.
2. Crime analysis in Salt Lake County, amongst all the law enforcement agencies, is segmented and does not effectively meet the needs of the criminal justice system. Although meetings, bulletins and task forces occur, there is no thorough and real-time analysis of crime, county-wide, that is used to deploy and develop ongoing response time and crime control strategies. Each large and small jurisdiction has its own approach, with the result that scarce law enforcement resources are not effectively utilized.
3. Coordination, county-wide, between law enforcement and the courts is lacking, with the result that extensive waste and overtime results from continued cases without notice to officer witnesses, poor scheduling, and a lack of careful attention to minimizing wasted law enforcement time. Although there have been improvements in Salt Lake City, county-wide the problem is severe.
4. Consolidation of law enforcement, to remedy coordination and segmentation problems, uneven policies and procures, waste and delays, is poorly developed in Salt Lake County, having centered primarily on dispatch and radio. The County is policed by many agencies in many ways without the kind of system-wide coordination that could save significant police resources and use them to fight crime.

## RECOMMENDATIONS

1. **A field release policy should be adopted on a countywide basis. Written procedures should include supervisory review in the field of discretionary releases along with a listing of circumstances and offenses suitable for citation releases.**

Starting at the beginning of the system, the law enforcement function would be greatly improved by adding a citation in lieu of arrest policy or an arrest for those offenders for whom certain characteristics require their custody, for example a danger of a continuing offense or endangering another victim would serve as a basis for incarcerating a misdemeanor. Most misdemeanors are either a good risk to appear and should not be brought to the jail, or can be released under conditions and/or follow-on notice and monitoring that will less expensively help insure their appearance.

The Chiefs of Police in Salt Lake County have agreed on principal and in concept that such a policy is needed, but the Sheriff must take the lead. Because of the number of police chiefs, segmentation, and various influences on law enforcement operations, the recommendation ILPP presented in its prior report was never implemented. Now, the Sheriff's leadership will be required. Appendix B provides model policies that ILPP recommends.

The Sheriff should set a date after which misdemeanors will not be accepted into the jail from police agencies that do not have a modern citation in lieu of arrest policy and provision for data collection so that it can be evaluated. Agencies transporting to the jail, without such a policy, should be required, after this defined date, to pay a \$200 booking fee, which more closely covers actual costs, before booking in a misdemeanor.

The Sheriff's Office should also develop a parallel jail citation in lieu of arrest policy and release inmates presented at booking who fall under the new county-wide policy.

**2. As future facility planning and opportunities for collaboration occur, the County and municipalities, under the leadership of the Sheriff, should seek to coordinate and consolidate law enforcement functions, beginning with crime analysis.**

- Each law enforcement agency should appoint an employee to review offense reports on a daily basis for the purpose of abstracting crime analysis information county-wide.
- A planning committee consisting of crime analysts from each department should develop protocols for the submission of crime patterns and important descriptors, culled daily from offense reports, to a host agency.
- Either the Sheriff's Office or the Salt Lake Police Department should be considered as the candidate for the role of host agency, responsible for organizing and faxing, on a regular basis, crime analysis bulletins to all county law enforcement agencies.
- Beginning with crime analysis, functional consolidation of police services should be commenced in Salt Lake County, building on current units like the Salt Lake Metro Narcotics Task Force, the Salt Lake Narcotics Task force, and the Violent Crime Task Force. Homicide and major crime scene investigation should be set up county-wide and a foundation should be developed for major metropolitanization, over time.

**3. CJAC should create a new county-wide office of court appearance coordination.**

This office should coordinate law enforcement court appearances in all courts in the county, using new technologies and seeking funding from law enforcement agencies throughout the County. This funding can be offset by the resultant significant drop in overtime and wasted costs. Officers should be on stand-by, paged, and benefit from a new court case management system that more effectively predicts and communicates the likelihood of trials and hearings.

## 6. MANAGING THE CASE

This section covers agencies involved in the adjudication of criminal cases and includes the Third Judicial District Court, the Salt Lake County Justice Court, City Justice Courts within Salt Lake County, and prosecution and defense.

### COURTS

Utah courts are organized in a multi-tiered structure with the Utah Supreme Court as the court of last resort. The Supreme Court consists of a Chief Justice and four Justices sitting en banc. The Supreme Court has mandatory jurisdiction in civil, criminal capital, criminal, juvenile, disciplinary, administrative agency, and original proceeding cases. Justices are appointed by the governor for ten-year, renewable terms, and they in turn elect a Chief Justice to a four year term and an Associate Chief Justice to a two year term by a majority vote.

The Utah Judicial Council is the policy-making body for the judiciary. It has the constitutional authority to adopt uniform rules for the administration of all of the courts in the state. The Council also sets standards for judicial performance, court facilities, support services, and staffing levels. The Judicial Council itself is composed of members from the different courts and the state bar.

The Utah Court of Appeals consists of seven judges sitting in panels of three; they are appointed to six-year terms and elect a presiding judge to serve for two years. This intermediate appellate court was established in 1987 to handle appeals from the district and juvenile courts. It also has mandatory jurisdiction in civil, criminal, administrative agency, juvenile, and original proceeding cases, and discretionary jurisdiction in interlocutory decision cases.

The eight Utah District Courts are the state trial courts of general jurisdiction, including torts, contracts, real property, small claims, domestic relations, estate/probate, mental health, as well as felonies, Class A misdemeanors, civil and criminal appeals from justice courts, and traffic. Most case types involve jury trials.

Salt Lake County is in the Third District, which consists of Salt Lake, Summit, and Tooele Counties. Until July 1, 1996 there were also County Circuit Courts, which meant there were three levels of courts within Salt Lake County: district, circuit, and justice. The circuit courts, which replaced the old City Courts in 1978, formerly were assigned Class A misdemeanors, felony preliminary hearings, Class A, B, and C misdemeanors, ordinance violations, and small claims for the City of Salt Lake. In 1996, Circuit and District Courts were consolidated into the present Third District.

The Justice Courts are courts of limited jurisdiction and are not courts of record. Justice Courts have limited jurisdiction and they are responsible for handling Class B and C misdemeanors, which are defined by sentence length (up to 6 months) as well as local ordinances and infractions. Statewide there are a total of 147 justice courts in the 29 counties, with a total of 128 county and municipal judges, some part time and some full

time, appointed either by a county commission, or by a city council or mayor. Salt Lake County Justice Courts are discussed in detail later in this chapter.

In Utah, the juvenile court is completely separate from district court. The state's juvenile courts are also divided into eight districts and are designated courts of "special jurisdiction." The juvenile courts have exclusive jurisdiction over youth under the age of eighteen, including neglect and abuse of children, dependency and termination of parental rights. In Salt Lake County, five juvenile court judges are assigned to Salt Lake City (Matheson Courthouse) and three more judges are at Sandy. One commissioner serves the entire district.<sup>1</sup> The juvenile court has its own court executive and appointed court clerk.

Although juvenile courts are separate, both organizationally and jurisdictionally, from district courts, there are areas where there is overlap. The district court has concurrent jurisdiction with the juvenile court over adults contributing to the delinquency of minors. Justice courts can have concurrent jurisdiction over minor traffic violations committed by youths aged sixteen and higher. In recognition of the need to coordinate pending cases where there is concurrent jurisdiction, Rule 39, Utah Rules of Criminal Procedure, states that all parties have a continuing duty to inform the court of a delinquency case pending in juvenile court in which the defendant in district is a party.

### THIRD DISTRICT COURT

The Third District Court is funded by the State of Utah. There are twenty-two district court judges and four commissioners assigned to the main courthouse in Salt Lake City.<sup>2</sup> Two satellite courts also operate with one district court judge assigned to Sandy and three to West Valley.<sup>3</sup> The number and allocation of district judges is established by state statute. The current allocation of 28 district judges is down from 30 in 2003. Judges are appointed by the Governor through a merit selection process (nomination, appointment, and confirmation by the Senate), and they stand for retention and election to six year terms.

Administration of the District Court is the responsibility of the presiding judge (who is elected to a two-year term) and a trial court executive. The presiding judge's responsibilities include review of monthly case reports, matters under advisement,<sup>4</sup> and complaints against judges. The presiding judge is the representative of the District Court and the judges, serving as its spokesperson to media and to other state and local entities.

The District Court operates with minimal staff due to budget cuts. The justification for the cuts were based, to a substantial degree, on projected filing losses to the justice courts. From 2002 to 2003, when misdemeanors and small claims were shifted to new justice courts,

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<sup>1</sup> Salt Lake County is part of the Third District Juvenile Court.

<sup>2</sup> The Court has four commissioners, whose primary responsibilities are to handle all domestic relations and mental health matters. Each domestic relations case is assigned to a district judge and a commissioner. Commissioners are attorneys, and are able to make reports and recommendations to the assigned district judge, but they are not able to make case dispositions. The commissioners handle virtually all domestic relations cases for the district judges. There are also currently three law clerks to assist district judges. This has generally been a two-year position, but recently the judges have been hiring career track law clerks. District judges, who assign research projects to law clerks, are responsible for their hiring and evaluation.

<sup>3</sup> The state is building a new courthouse in West Jordan, which will replace the Sandy court. Construction is projected for completion by April 2005.

<sup>4</sup> Judges are required to report matters that are under advisement for more than sixty (60) days.

particularly the Salt Lake City Justice Court, district court staff was reduced from 190 full-time employees to 146. The reduction was accomplished mostly through attrition and planning, without layoffs, and current levels of staffing are based on a clerical weighted caseload formula established by the Judicial Council. Such moves have left the court thin in many areas. For example, the District Court has only nine reporters, who handle transcripts of video recordings of court proceedings, to cover the entire bench (consequently judges must schedule the reporters in advance for trials and often have to delay cases pending the availability of a reporter). Because of the shortages, quite a few staff members claim they often feel overwhelmed by the work volume.

ILPP recognizes that the shortages in staff at the District Court translates to slower processing time for cases, and subsequently system crowding. As a result, the need for the District Court manage court dockets is great. Currently, the District Court in Salt Lake County uses a hybrid calendaring system for felonies: there is a master calendar from first appearance to the preliminary hearing in which nineteen judges participate. After the preliminary hearing, the cases are randomly assigned to one of twelve judges who handle the case from the time of assignment to disposition (individualized calendaring system). In general, the District Court utilizes an individual calendaring system for criminal cases as cases are randomly assigned to the judges for handling from the time of filing to case disposition.<sup>5</sup> Criminal judges can be assigned civil cases as well- up to 15% of a judge's caseload. The judges are also assigned on a rotating basis to handle "roll call" calendars, a special hearing in the county set between arraignment and the preliminary hearing in an effort to facilitate case disposition. Interviews with the judges involved with the criminal calendar strongly suggest that the existing case management system is based on historic factors and could be greatly improved. ILPP strongly agrees with this sentiment, and holds that the case management system is responsible for unnecessary delays and continuances, and ultimately a significant portion of the jail crowding.

## **SALT LAKE COUNTY JUSTICE COURT**

The Salt Lake County Justice Court was formally established in 1987. Prior to that time, it was a justice of the peace court. The county justice court has jurisdiction over misdemeanor matters arising in the unincorporated areas of the county. Its geographic jurisdiction since the Court's formation has been significantly reduced since municipalities within the county have created their own justice courts. County justice court judges are appointed by the County Commission and stand for retention election every four years, whereas the municipal court justice judges, who represent most of the justice court judges, are appointed by the executive branch of their municipal government. They are appointed for four-year terms, and can only be dismissed for cause by the city council or mayor.

Like the District Court, the County Justice Court is administered by a presiding judge with the assistance of a court manager. Policies and procedures for administrative staff are currently being developed and staffing reorganized to allow better utilization of personnel. Clerks are currently organized as a team and are assigned to each judge, but the present arrangement had led to uneven utilization of staff.

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<sup>5</sup> There is a greater variety of case assignment for civil cases, including "team calendars" and specialized assignment of a category of cases, e.g., complex litigation.

Although four (4) judges have been authorized by the county for the justice court, only 2.5 positions are actually used. With the reduction in the county justice court's caseload in recent years, the full allotment of four judges is not required. The court also has a referee, a position recently created and filled by an experienced clerk who handles minor traffic offenses where the fine does not exceed \$350.<sup>6</sup>

The presiding judge had assigned the responsibility of organizing a meeting of justice court judges throughout the county to focus on coordinating domestic violence courts and calendars. Apparently there is a wide variation in case loads, with some disposing fewer than 40 cases per year and others adjudicating up to 1,300 cases.

### *Findings*

1. The District Court in Salt Lake County does not appear to have benefited from the "promise" of trial court consolidation. Court unification or trial court consolidation was intended to promote more professional and better-managed court systems through centralized management, centralized rulemaking, centralized budgeting with concomitant state funding of the trial courts and consolidation of the trial court structure.
2. Although the county's former district court and circuit court, which also handled all of Salt Lake City's court filings, were consolidated into a single court in 1996, the proliferation of justice courts has resulted in a two-tiered court system that is neither coordinated nor managed as a cohesive system.
3. A chart prepared by the Office of Justice Planning in 1998 (see Appendix F) shows that the state's justice court system is actually outside the "unified system" (shown by the dotted outline for justice courts), unlike all of the other components of the state court structure. This is in apparent recognition of the separate appointing and funding authority for justice courts. The justice courts, however, are bound by most of the relevant Rules of Judicial Administration and all of the Rules of Criminal Procedure.
4. Although trial court consolidation was completed several years ago, the current court system is still in a state of flux. Geographic boundaries for the county justice court have become much smaller with the creation of municipal justice courts, requiring reorganization of staff and re-evaluation of justice court resources. District court judges, who were circuit court judges prior to consolidation, continue to use their own calendaring systems; there also appears to be some dissatisfaction with how the newer justice courts handled misdemeanors formerly under the jurisdiction of the circuit court.
5. There are no regular meetings between justice and district court judges, and in fact no common rules, standards, or even training that approaches common problems in common ways.
6. The existence of separate funding sources and appointing authority creates the potential for, and many examples of, conflicting interests and competition for limited criminal justice resources in Salt Lake County. This competition for limited

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<sup>6</sup> The court referee cannot hear any traffic matters that involve alcohol, accidents or lack of insurance.



resources is expensive for all jurisdictions involved, and bad for efficient justice system administration.

7. The growth in the justice courts in the county's municipalities is in large part due to a need for increased revenue; the importance of revenue generation to municipalities is apparent from the fact that municipal judges are directly responsible to the executive branch, unlike county judges who must stand for retention by the electorate.
8. Where increased revenue is a primary goal, there may be less interest in the development of alternatives to payment of fines, such as community service or day fine programs. There is some evidence of this reluctance through the justice courts' reliance on "pay or serve" policy, which results in costs to the county that offset the potential recovery in the originally assessed fine.
9. Consolidation may have resulted in "centralized rulemaking," but there appear to be breakdowns in the sharing of information between the Judicial Council and the district courts at the county level. There is a general perception that there is no case processing time standards, yet the Judicial Council's criteria for judicial performance evaluation include "compliance with the case processing time standard established by the Council." (Rule 3-111.02, Judicial Council Rules.)<sup>7,8,9</sup>
10. Still, case processing time standards are not apparently in operation in the District Court, and there is a widespread perception, lacking good data to support it, that the Courts create delay and crowding in the justice system.<sup>10</sup>
11. Notwithstanding the Judicial Council's responsibility for "centralized rulemaking," each district court and justice court has its own authority to enact "local supplemental rules," although these rules are subject to ratification by the Judicial Council.<sup>11</sup> (Rule 2-204, Judicial Council Rules.) Unlike other judicial districts, such as the Fourth Judicial District Court, neither the District Court nor the justice courts in Salt Lake County have drafted any local rules for improved case management, either civil or criminal.
12. The need for local supplemental rules is especially important for efficient criminal case management in Salt Lake County because the state's rules of criminal procedure do not set any hearing priorities for cases where the offender is not granted pretrial

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<sup>7</sup> The criteria also include "where responsibility exists for a calendar, knowledge of the number, age, and status of pending cases."

<sup>8</sup> The criteria also include "where responsibility exists for a calendar, knowledge of the number, age, and status of pending cases."

<sup>9</sup> Comments on the draft report stated that the only time standard established by the Judicial Council is a "cases under advisement" standard set forth in Rule 3-104, which is routinely complied with by the judges in the Third District. Other sources, however, indicated that Utah had adopted ABA case processing standards. Whether such case processing standards have been implemented appears to be the primary issue.

<sup>10</sup> The district court has agreed to review the issue of processing time standards but is not yet convinced that lack of time lines is a problem. Consultants note, however, that the absence of time standards, an objective measure for case disposition, contributes to the perception, whether justified or not, that the courts have contributed to system delay and crowding. Implementation of time standards could then correct the perception.

<sup>11</sup> Rule 31, Utah Rules of Criminal Procedure, also authorizes the district courts to make their own local rules for the conduct of criminal proceedings.

release, (i.e., remains in custody). In many jurisdictions, there are stringent time requirements for first appearance and for preliminary hearings, even if no complaint has been filed.<sup>12</sup> **In the absence of state rules, the District Court in Salt Lake County can minimize jail time for detained offenders by establishing rules and orders that require preliminary hearings within the statutorily required ten (10) days and greater showings of good cause for continuances.**<sup>13</sup> The Court can also work with the prosecutor's office to determine if the time for filing can be shortened, since arraignments are not set until the complaint has been filed.

13. As part of an overall scheme to improve criminal case management and to maximize use of system resources, the courts should consider the feasibility and need to allow justice court judges to handle preliminary hearings to give the district court more flexibility in its handling of jail cases. Such authority to hear preliminary hearings is found in Rule 4-610, Judicial Council Rules; the presiding judge of the district court can also appoint a justice court judge to preside at first appearances and arraignment.

As part of an overall scheme to improve criminal case management and to maximize use of system resources, ILPP recommends that the District Courts continue their own review of policies and procedures towards implementing times lines, reporting data, and rules to speed the flow of cases. In order to establish these actions the Court may wish to involve the National Center for State Courts.

14. The county's courts have taken the initiative to develop specialized courts or calendars to address criminal justice issues: the county's felony drug court has been in existence since 1995 and serves as a mentor drug court to train drug court professionals in other states. There are, however, several different system approaches in the county for two dominant justice system issues, drug abuse and domestic violence. In reality, all the county's specialized courts, including mental health court or special dockets, follow drug court models. Given the variety of drug and domestic violence calendars in the district and justice courts, there is a need to establish a group to discuss common problems and share ideas for solutions that benefit not only the offender but the community as well. Such a forum may lead to better coordination of efforts, including the expansion of the drug court to include dual substance abusers (such as drunk drivers).<sup>14</sup>
15. The willingness of the county's courts and other criminal justice agencies to collaborate on innovative solutions is also apparent in the voluntary efforts of district court judges to calendar misdemeanor matters to minimize requiring public defenders, who are assigned to specific courtrooms, to be in more than one place at a time. The failure to achieve 100% voluntary cooperation undermines this effort, resulting in a need to further investigate this issue. When an attorney is required to

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<sup>12</sup> The Utah Rules of Criminal Procedure has a "speedy trial" requirement of thirty (30) days, but this deadline is rarely enforced because it is nearly impossible to bring a felony case to trial within that time frame.

<sup>13</sup> Any changes in court policies to shorten current time frames for hearings will require coordination with all affected agencies such as the District Attorney and Salt Lake Legal Defender.

<sup>14</sup> The judge handling the domestic violence calendar for the Salt Lake County justice court has initiated efforts to organize a county-wide meeting of other justice court judges to discuss a domestic violence court, but this issue applies to the district court as well. One model that has worked well in other jurisdictions is to create a county-wide court to consolidate cases into one calendar that involve both domestic violence and domestic relations cases.

be in more than one courtroom at the same time, the resulting delay impacts not only the prosecutors but the court's own resources as well. Ultimately jail and court crowding results.

16. The impact of jail overcrowding is seen now, as it was in ILPP's prior study, in higher failure to appear rates for hearings in the justice court. Given the increased demand for beds at the county jail, offenders picked up on bench warrants are not held, thereby undermining the whole purpose of a bench warrant significantly.
17. The county's inability to enforce bench warrants may also be a factor in the backlog of outstanding warrants for the county justice court, estimated to be about 10,000. The size of the backlog itself creates the potential for civil liability as these warrants age and become invalid.
18. The Metro Jail's CATS drug treatment program contributes inordinately to the number of felons committed to jail that would otherwise be committed to prison or placed on probation with community based drug treatment as a condition. Because judges want defendants to receive the in-patient drug treatment offered by CATS, and because the treatment program requires a minimum number of months commitment to succeed for each participant, the perception exists that judges tend to order more defendants to jail solely to take advantage of the CATS program. For instance, a judge will impose a sentence of 1-15 years in prison, suspend the execution of the sentence, place the defendant on probation, and then order the defendant to spend a year in jail as a condition of probation for the sole purpose that the defendant can participate in the CATS treatment program.<sup>15</sup> While laudable in its intent and impact, the CATS program is a highly expensive method of providing in-patient drug treatment and less costly alternatives should be explored.

### ***Recommendations***

- 1. Develop improved coordination between the District Court and the Justice Courts that operate within the county.**

Improved coordination between the District Court and the Justice Courts can be achieved in a number of ways, but the simplest is to include a representative from the Justice Courts at the District Court's monthly meetings. This representative can be selected by the justice court judges through their own justice court organization.

For these meetings to be effective, however, the courts should develop a mission statement that is accepted by all judges and will encourage greater participation in the monthly meetings.

- 2. Draft local supplemental rules that address court issues identified by the judges from their unique system-wide perspective, with a goal of improving system-wide operations for the county's justice system.**

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<sup>15</sup> By statute, the state is required to reimburse a county for the cost of jail incarceration, estimated at \$60.00 per day by the District Attorney, for defendants who are ordered to jail as a condition of probation; however, the money for these reimbursements is not there due to budget shortfalls on the state level and counties only receive about 50% of the reimbursement.

The management of a criminal justice system begins with the courts taking a leadership position. Because a criminal justice system consists of disparate agencies with competing agendas and goals, the courts are in a unique position to effect change because of their ability to make orders and position to observe all components of the system in action in one place. The starting point for system management is the development of local rules that require prosecutors and defenders to meet minimum deadlines or goals to facilitate movement of cases through the system to disposition.

First priority for the proposed rules should focus on time standards for all parties and for the handling of cases where the offender remains in jail custody.

**3. Develop the information needed to allow the courts to become “data-based” management agencies in a data-based managed system.**

Effective agency and court management requires accurate information. The district court, as part of its monthly meeting, may wish to create a subcommittee to investigate the court’s information needs and how to obtain that information.

The goals of the committee should include the development of information that allows each judge to determine the number, age and status of pending cases, consistent with the state’s criteria for judicial performance evaluation.

**4. Establish a CJAC task force to address the county’s dominant justice issues of domestic violence and drug abuse. Members should include representatives from the district and justice courts, as well as probation, prosecution, legal defenders, jail managers, and service providers.**

The courts have responded to the county’s most serious justice issues of domestic violence and drug abuse by created specialized courts and calendars, but there are variations in the courts for how these cases are handled or how the calendars are organized. The creation of a task force provides an important forum for the sharing of ideas and problems encountered in the operation of well-intentioned schemes. Because of the success of model programs that utilize multi-disciplinary teams for the delivery of treatment or services, a county task force allows review of such programs and evaluation of their feasibility for Salt Lake County. Model programs that utilize multi-disciplinary teams to deliver treatment and services have been successful, and a county task force can review such programs and evaluate their feasibility for Salt Lake County.

There may also be a need to further consolidate some calendars on a county-wide basis to improve the development of appropriate sanctions and orders, such as designating one court to handle both criminal domestic violence charges and domestic relations issues involving the same parties.

**5. Create a system whereby a justice court judge presides over first appearances and arraignments.**

Having a justice court judge preside over these early hearings will help reduce the workload for the criminal bench. In addition, one individual performing these duties will help standardize the bonds for accused.

## MUNICIPAL JUSTICE COURTS WITHIN SALT LAKE COUNTY

Eleven municipal Justice Courts operate in Salt Lake County. Although allowed under Utah law for many years, the proliferation of municipal justice courts is a recent phenomenon, accelerating over the past 10 years. Two of the justice courts represented in this study came into existence in the past five years.

The majority of justice court adjudications in Salt Lake County are non-criminal traffic cases, followed by criminal and civil (small claims and civil infractions), respectively. The four justice courts focused upon in this study are Salt Lake City Justice Court, South Salt Lake City Justice Court, West Valley Justice Court and Sandy Justice Court.

The following is basic caseload data for fiscal year 2003 for these courts:

**Table 6.1 Justice Court Caseloads, 2003**

	<b>Traffic</b>	<b>Criminal</b>	<b>Civil</b>
Salt Lake City	49,735	15,870	15,907
South Salt Lake City	7,886	4,162	136
Sandy	22,562	2,204	215
West Valley	29,849	8,189	950
Total	110,032	30,425	17,208

Revenues, expenditures and staff size are shown below for the same four courts.

**Table 6.2 Justice Court Revenues and Expenditures**

	<b>Staff*</b>	<b>Revenue</b>	<b>Expenditures</b>	<b>Net</b>
Salt Lake City	50.00	\$ 3,616,508	\$ 3,551,574 <sup>#</sup>	.064MM
South Salt Lake City	12.00	1,844,011	698,045	1.146MM
Sandy	15.85	2,153,574	882,649	1.271MM
West Valley	20.00	3,838,949	1,569,042	2.271MM
Total	97.85	\$11,453,042	\$ 6,701,310	4.752MM

\*includes judges

<sup>#</sup>includes \$501,574 sent to the state of Utah as state share of fees

Other than a few holding cells, the county jail is the only detention facility available to house inmates on a pretrial or sentenced basis from the justice courts. The population of the jail currently consists of 52% inmates from the District Court, 43% from the Justice courts and 5% "other". While the majority of inmates in the county jail are sent from the higher level District Court, 43% of the population represents inmates convicted of Class B and C misdemeanors and criminal traffic offenses. Most of these can be considered low risk and non-threatening, and certainly not the type of offenders that should be consuming valuable bed space in a maximum security jail.

Although some justice courts have been in existence only a short time, their case volume continues to grow substantially. Despite this occurrence, Justice Courts are "current" in their dockets with trial dates typically falling within 60 to 90 days after arraignment. A side effect of the increases in caseload is that it has put the courts in the envious status of producing revenue that exceeds expenditures (they are growing in revenue production over

costs due to economy of scale and increasing case load). Unfortunately, this revenue does not appear to be reinvested in making the offender and the community whole (i.e., offenders are not provided with treatment-oriented services nor referred to programming that restores the community, such as organized public work service).

Judges in justice courts in Utah are not required to be attorneys, although there is a trend towards lawyers in these positions. Whether a judge is an attorney is solely dependent on the mayor and city councils who have appointive and reconfirmation powers. The appointive powers of the mayors present an interesting if not conflicting situation in that the Executive branch literally creates the judicial branch via appointment. Administrative staff is typically appointed by a city manager and serves “at will” or are hired via the merit system as any other city employees. It is impossible to escape the perception (if not the reality) of dominance that elected city officials have over the judiciary they created. Although nothing sinister or improper was observed, the appearance remains, at least to some observers, of structural impropriety. This can only be resolved by the legislature.

### ***Findings***

1. The County Mayor, a recently created position under a reorganized Salt Lake County government is supported by, and has generally good relations with, the mayors of the municipalities in Salt Lake County. The justice courts are creations of these municipalities. Despite neutral to good relationships there appears to be very little communication among elected officials and certainly reticence on the part of all mayors (and city councils) to discuss solutions to the jail overcrowding situation. Most interviewees felt that discussing proposed solutions will ultimately lead to funding discussions and perceptions of double taxation for cities. The County Mayor is reticent to approach any funding issues with the city mayors and certainly is not desirous of upsetting relationships through litigation.
2. Justice court judges recognize that they are key contributors to the jail’s population. It was interesting to note, however, that a handful were willing to grant probation, favor citations rather than warrants, suspend jail sentences and use other alternatives (at their disposal) to incarceration in Salt Lake County. At the same time, judges feel frustrated by the ability of the Sheriff/Jail Director to let inmates out before sentences are completed through early release and award of good time. This frustration has resulted in the use of consecutive sentences, resulting in inmates being in jail over one year and blocking early release while exacerbating crowding. Judges generally recognize the jails ability to release for specific reasons.

Communication between judges and jail management also is cordial; however, it does not lead to the resolution of common problems. There are strong statements of frustration with lack of ultimate control of inmates committed to the jail.

3. All judges expressed willingness, and in some cases, even a desire to participate in some fashion on the Criminal Justice Advisory Council. However, the common answers given regarding why they don’t participate were “we are not asked,” “it is a county dominated council” and “it carries little influence because even county officials don’t attend or they send surrogates.” Communication among justice court judges themselves is limited, especially for those who are not located in south Salt Lake County. No justice court judges are members of the Criminal Justice Advisory

- Council (CJAC). There is no elected or appointed representative of the justice court judges on the CJAC. The extent of organized communication on a regular basis appears to be lunch among some south county judges on Thursdays.
4. Judges and Administrators freely admit that they believe the justice courts are a source of significant revenue for their cities. They also recognize that their contribution to their city's revenue stream is increasing along with their caseload. Some are uncomfortable with the perception that increased city revenues can be reached through increased enforcement. They indicated that the ultimate "desired" case is a traffic citation in which the cited person does not contest the citation and mails in his/her payment. Other than data entry and receipting money, there is little overhead in such offense transactions but, instead, maximum revenue over expense.
  5. Revenue generation varies among courts but universally the cities view the courts as a prime revenue source worthy of protection and expansion. There is reticence among the justice court judges (for political reasons) to discuss sharing costs with the county to help resolve jail crowding. The justice courts interviewed for this study all produce revenues in excess of expenditures but in varying degrees.
  6. Justice court judges have no financial incentives, positive or negative, to keep jail population down. They are not held individually accountable for committing inmates nor are they given a finite number of jail beds for each judge or each court.
  7. There are no standard sentencing procedures or mutually agreed informal sentencing guidelines among the justice courts. The state provides guidelines but they are purely advisory in nature. The only mandates are those found in state statutes such as minimum sentences for certain types of crime. Judges reluctantly abide by these state mandates. Having said this, it is interesting to note that most judges do not sentence inmates to jail upon their first offense, although a few are more aggressive in this regard. Bond schedules used at the local level are typically more liberal than state guidelines suggest. Continuances are used fairly liberally, with some judges offering one continuance to each side in a case and at each step of the judicial process, irrespective of reason.
  8. The use of warrants vs. citations of summons is not standardized and there is no forum for discussion of the topic. In general, the justice courts find the enforcement of warrants to be difficult. At the same time they are frustrated by the fact that outstanding warrants represent considerable uncollected revenue. A positive point is that arrests as a result of warrants are low as compared to defendants who show up voluntarily after being issued a citation.
  9. Courts treat probation revocation status on a case-by-case basis but typically lean to second and even third chances before revoking. The notable exception to this appears to be domestic violence. Overall, the tendency is to be liberal in not revoking probation and committing a defendant to jail.
  10. While all court representatives that participated in this study supported the concept of county specialty courts (drug, mental health, domestic violence, etc.), they quickly retreated from any conversation about funding being used for these from their

municipal court revenues. Salt Lake City Justice Court does offer a nighttime drug court for employed defendants.

### ***Recommendations***

**1. A Salt Lake County Justice Court Association should be formed.**

The membership should be comprised of all justice court judges in Salt Lake County with the initial primary purpose being to exchange information of common interest among Justice Courts and to send a Justice Court representative to the Criminal Justice Advisory Council. The meeting schedule should begin on no less than a monthly basis with the future regular meeting schedule and special meetings set on need. This association will provide the appropriate standing for Justice Court judges as they relate to the CJAC about jail crowding, sentencing guidelines, court practices, financial participation, etc. This association could also be a Salt Lake County “chapter” of the State Justice Court Association.

**2. Establish dialog between the various mayors and councils and the newly formed Justice Court Judges Association.**

This will allow the County to have candid discussion regarding financial participation by the cities with the county. Association positions regarding funding could be related to the CJAC in a unified manner.

**3. Establish a traffic ticket citation mail in envelope program on a countywide basis to avoid staffing costs of taking payments.**

**4. Standardize the case management and collections software systems on a county-wide basis to facilitate ease of sharing information and streamlining collections.**

**5. Implement Internet and telephone credit card payment capabilities for all justice courts as part of this upgrade.**

This recommendation also would enable exchange of information among justice courts in regard to pre-sentence investigation reports thereby enhancing the knowledge of the court prior to sentencing and enhancing public safety.

**6. Standardize pay scales for court employees and implement a shared purchasing system among all justice courts.** (These could be implemented through the Justice Court Association.)

**7. Standardize forms, fines and costs throughout the county.** (This also could be implemented through Justice Court Association discussions in concert with CJAC.)

**8. Establish county wide and county operated drug, domestic violence and mental health Courts with equal access to justice courts and the District Court.**

These could be implemented through CJAC discussion/action. Economy of scale and the advantage of judicial specialization will be gained with these courts. In addition, jail population will be decreased and the most difficult to impact offenders



and re-offenders will be removed from the jail. Recidivism will be reduced and defendants will at least have a chance at becoming a taxpayer instead of a tax taker. The barrier will be funding.

**9. Establish an “Alternatives to Incarceration Advisory Committee” on CJAC.**

This committee will be a normal outgrowth from CJAC that includes the justice courts. Participants on the committee could include judges, prosecutors, defense counsel, Sheriff/jail and local political leaders PLUS treatment agencies, voluntary local religious organizations that sponsor or operate prisoner rehabilitation programs and college/university faculty from Criminology programs. Bottom line will be establishing community norms for alternative programs and deciding who the community is “afraid of” versus who the community is “mad at.”

**10. Allocate beds in the Metro Jail to each justice court judge.**

Beds should be allocated to the justice courts based on a formula that factors numbers of arrests in a jurisdiction and population size. If a judge’s allocation were completely used, an inmate would have to be released (in some fashion) before the judge could commit another inmate. No trading of bed “credits” should be allowed so that the playing field remains even. The benefit of this program is that judges will “coordinate” a portion of the jail for their own use but their authority will equal their responsibility in keeping the population checked. [Notes: 1) A variation of this recommendation is to require the municipality to pay the full cost of any inmate that is incarcerated if their judge exceeds his/her bed limit. Or, a booking fee could be charged to each municipality that does not participate in alternative sentencing programs and sentencing guidelines as determined by CJAC. 2) It is not recommended that the District Court participate in this rationing process because of the more serious nature of felony offenses, the public safety interest of incarcerating felons (pretrial or sentenced) and because Justice Court defendants are by far the greater part of the jail’s population.]

## **PROSECUTION**

### ***State Prosecution***

The Salt Lake County District Attorney’s Office provides a variety of legal services for the people of the county. The District Attorney’s Office is comprised of three divisions: Civil, Criminal Justice and Governmental Litigation. Among other functions, the Civil Division acts as house counsel for elected county officials and the Government Litigation Division defends county employees and entities against lawsuits. The office’s annual budget for the current fiscal year is approximately \$17 million, up from \$15 million in the previous fiscal year.<sup>16</sup>

The Criminal Justice Division prosecutes felony and misdemeanor violations of state law and plays a vital role in the administration of justice. The Criminal Justice Division employs 55 full-time deputy district attorneys with 91 support and investigative staff. The assignments include 12 line attorneys and one supervisor handling juvenile prosecutions, 4 attorneys

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<sup>16</sup> Data provided by District Attorney’s Office

handling misdemeanors, 29 line attorneys handling felony cases, 4 attorneys responsible for screening of cases, 4 supervisors (one division director and 2 assistant directors), and one attorney who is the full time Director of the Statewide Association of Prosecutors. The majority of the criminal division staff is located downtown, with a satellite office that handles felonies from the county justice courts and a juvenile division. The office also provides attorneys and support staff for the district court drug court program, which offers treatment for drug addiction as an alternative to incarceration. The office plays a large role in the two felony drug courts in the District Court, the drug court and the domestic violence court in the County Justice Court, and provides support to the mental health court in the District Court.

The downtown office is organized into five teams: special victims (the largest team), sex offenses, gangs, narcotics and two major felony teams, which are responsible for the Tuesday and Thursday preliminary hearing dockets. Cases are assigned primarily by team leaders. The office primarily employs vertical case assignment, with specific attorneys assigned to handle specific cases through disposition.

The office utilizes a centralized screening process, staffed by nine paralegals and two attorneys. The team screens packets submitted by law enforcement containing information about the offense and the legal basis for arrest. The team then determines whether the facts support a finding of probable cause. If probable cause exists to support the filing of charges, the case is filed in the appropriate court with jurisdiction. The main factor considered in deciding whether to file a case is the ultimate likelihood of conviction. For every ten cases submitted by police, eight are filed and two are declined.<sup>17</sup>

The Office has a policy of trying to extend plea offers at the earliest stage possible in the court process. After cases are assigned to a team (and then a deputy district attorney), an offer is sent via email to the defense attorney. The defense attorney then communicates the plea offer to the defendant who, following consultation with the attorney, decides whether to accept or reject the offer. If the offer is accepted the case can be scheduled for a guilty plea.

There are three basic dispositions authorized under the law: incarceration, a monetary fine or probation. Due to indeterminate sentencing, the District Attorney's Office does not (as a general rule) make binding plea offers based on a specific sentence outcome, term of years, or sentence that calls for probation. The most common plea offer involves reducing or dismissing counts or cases or standing silent at sentencing (i.e., not arguing the sentence advocated by the defense counsel).

### ***Findings***

1. The District Attorney's Office functions at a very high level and uses approaches that many consider current "best practice." The team approach to prosecuting cases appears to be particularly successful.
2. The District Attorney's felony caseload has sharply increased over the past year, from 5,000 in FY 2001 to 5,646 in FY 2002; an increase of 12% in one twelve-month period.<sup>18</sup> The growth in felony caseload reflects an increase in felony case filings by

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<sup>17</sup> Estimate provided by B. Kent Morgan, Assistant Justice Division Administrator

<sup>18</sup> For the twelve month period ending September 30, 2003.

the District Attorney's Office. Caseload growth in the first quarter of 2003 shows no sign of abatement of the trend, with 1,604 cases filed compared to 1,294 for the same quarter in 2002. Misdemeanor cases have declined during the same period, from 6,078 in FY 02 to 5,486 in FY 03.

There is no single category of offense that accounts for the increase in felony caseload, although drug cases and crimes against property show the greatest growth. Population growth and more aggressive law enforcement are as likely a cause since the District Attorney's Office has not changed its case screening criteria. The increase in felony filings has placed greater pressures upon the criminal justice system to handle the increased case flow without clogging up the process and overcrowding the jail.

### ***Recommendations***

- 1. The District Attorney's Office should take steps to ensure that the roll call remains an effective mechanism to resolve pending felony cases in a timely and efficient manner.**

The goal of the roll call docket is to dispose of cases of at the earliest opportunity, in order to ensure the timely and efficient disposition of cases, which benefits the parties and the court. To avoid needless delay only deputy district attorneys with authority to resolve cases should be assigned to the docket. It should not be necessary to assign Assistant Division Directors to handle the roll call docket responsibilities; instead, authority to resolve cases should be delegated to lower level management or deputies. This goal can be aided by working with the court and defense counsel to identify cases that can and should be scheduled on the docket. The goal can be further aided if defendants who so desire are allowed to waive the pre-sentence report and plead guilty at the roll call docket pursuant to a plea bargain.

- 2. The District Attorney's Office should take the initiative to help establish new and creative alternatives to incarceration beyond the treatment courts and programs that currently exist.**

The Salt Lake City Justice Court and Prosecutor's office takes part in several alternative sentencing diversion programs that could be implemented in district court for felony offenders in the appropriate case (i.e. programs addressing the problems of prostitution, sexual offenders, etc.). The District Attorney's Office should form a committee to study such alternative sentencing programs and consider implementation if appropriate to ensure that the maximum use of the taxpayer dollar is being made.

## **MUNICIPAL PROSECUTION**

Salt Lake County is a large metropolitan area with over 900,000 residents and 11 diverse city centers. The municipalities comprising the greater Salt Lake area are responsible for enforcement of misdemeanor, traffic, environmental and nuisance offenses. Each municipality employs a prosecuting attorney and staff for that purpose. The prosecutor's offices of Salt Lake City, West Valley and Sandy City are typical and reflective of the values of the municipalities within the county.

### Salt Lake City Prosecutor's Office

The leadership of the Salt Lake City Prosecutor's Office is dedicated to protecting the community and ensuring the quality of life through aggressive prosecution and punishment of offenders. At the same time, the office strives to positively impact the lives of offenders and the community as a whole through alternatives to incarceration that address the problem of criminal behavior through treatment and counseling programs.

The mission statement lays out the goals of the prosecutor's office: "The Division of the Salt Lake City Prosecutor seeks to effectively screen, charge, file and prosecute criminal violations occurring within Salt Lake City, and to substantively resolve community problems through new and innovative methodologies."<sup>19</sup>

The office has a split jurisdiction. Class B and C misdemeanors, ordinance violations and infractions are prosecuted in the justice courts. Class A misdemeanors are prosecuted in the district court. The office does not normally prosecute felony offenses, but does prosecute some felonies that occur within the Salt Lake City limits: felony DUI, sexual exploitation, pornography and environmental felonies. The municipal prosecutor carries a special designation as Deputy District Attorney that allows him to prosecute these felonies in District Court.<sup>20</sup>

The office employs 13 attorneys and 9 support staff. Currently there is a budget request pending to hire additional attorney and support staff due to rising caseloads. The average misdemeanor case that goes to jury trial costs the taxpayers roughly \$1,500. The average fine imposed is \$400. The longer a case sits in the system the more likely it is to contribute to the creation of a bottleneck in the judicial system. Jury trials are allowed in justice courts even though they are not a court of record. The office screens cases only after a not guilty plea is entered, and handles approximately 24,000 cases annually.<sup>21</sup>

The Salt Lake City Prosecutor's Office has developed an effective approach to prosecution and community involvement that could serve as a model for other municipalities. The program can be described as a three-tier system.

The **first tier** utilizes *Community Action Teams* drawn from the community policing model, which places a heavy emphasis on citizen involvement and being proactive within the community. The teams consist of the prosecutor, law enforcement and citizens. The team meets as a group to address crime or quality of life issues at the grassroots level. The goal is to address and defuse problems in the community before they become crime issues; for instance, nuisance, neighborhood disputes, barking dogs, drug houses and any other problems that can be identified. The teams meet on a weekly basis. Citizens and residents of the community are welcome and encouraged to attend the meeting, where they can voice complaints. A member of the prosecution staff, usually a paralegal, is available to meet with citizens who have concerns over a particular report or case. The paralegal will review the information and provide an explanation as to why a charge was or was not filed. Salt Lake City maintains a centralized database available to all community action teams. With the

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<sup>19</sup> From the Prosecutor's Office Five Year Business Plan, developed in 2000.

<sup>20</sup> Mr. Gill is entering his fourth year as Salt Lake City prosecutor; previously he was employed as a deputy district attorney in the county District Attorney's Office.

<sup>21</sup> Data provided by Sim Gill

database the action teams can learn the history, if any, of a particular problem in the community.

The **second tier** involves *alternatives to traditional prosecution*. The prosecutor's office recognizes that not all criminals can be treated with the same "cookie cutter" approach. The most common alternative to incarceration is the plea in abeyance, which allows charges to be dismissed upon successful completion of probation. A person charged with an offense can enter a plea of guilty and then be diverted into a treatment program combined with probation. Convictions occur only upon a failure to comply with the terms and conditions of probation.

The Prosecutor's Office helps coordinate and assist the following alternative programs: Misdemeanor Drug Court, Passages, Mental Health Court, Johns Program, Prostitution Outreach, Public Sex Crimes and Domestic Violence Court.

*Misdemeanor Drug Court* was implemented in February 2000. The objective of the program, which lasts for a period of six months,<sup>22</sup> is to identify and assist individuals who have substance abuse issues and are currently being prosecuted by the SLC Prosecutor's Office. The program is shared project among the SLC Prosecutor's Office, the Third District Court and the Salt Lake County Criminal Justice Services Division. The hallmarks of the program are random drug testing, weekly counseling sessions and graduated sanctions.

The *Passages* program employs the restorative justice model of rehabilitation, in which offenders are offered an opportunity to mediate with victims and pay complete restitution to the affected parties. The program utilizes a community panel comprised of members from the Salt Lake community. The formal part of the program, which lasts for six months or twelve months, requires payment of community restitution by defendants and formal coursework including skill building, focusing on treatment, education and employment. Fees charged to defendants are \$100 for Track One (6 months) and \$150 for Track Two (12 months).

The *Mental Health Court* is designed to assist individuals who are legally competent but mentally ill. This group comprises the largest group of mentally ill offenders, who commit offenses ranging from quality of life crimes (i.e. retail theft, public intoxication, simple possession, disturbing the peace, minor assault, etc.) to felony conduct (such as burglary, forgery, assault and felony drug possession). The vast majority of homeless or transient offenders fall into this category. The goal of the program is to provide medication assistance to these individuals while in jail in order to stabilize them and then to aid in the transition back into the community, relying upon mental health centers for follow up care.<sup>23</sup> Defendants are required to appear for weekly mental health court sessions where their progress can be monitored. Participants are given a plea in abeyance and often put on probation to the court for a period of 12-18 months for misdemeanor offenders and up to 36 months for felony conduct. No fees are charged and restitution is ordered when appropriate.

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<sup>22</sup> Program participation can be extended if the participant fails to successfully complete a component of the program.

<sup>23</sup> Medication is managed through Valley Mental Health and can include in-patient, out-patient and day treatment.

The *Johns Program* was created in an effort to impact the consumer side of the prostitution trade. The program lasts for 10 weeks with 2-3 hour long sessions designed to educate and examine the underlying belief system which contributes to the conduct without resorting to the process of public shame or ridicule. The fee is \$350 and the program must be completed within one year of entry. Thus far, the program has been highly successful and has consistently operated in the black, saving taxpayer money and reducing pressure on the jail.

*Prostitution Outreach* is designed to assist women caught up in the commercial sex trade. The program recognizes that the conditions which have led women into prostitution include substance abuse, mental illness, poverty, abusive relationships and simple day to day subsistence. Assisting women caught in the cycle is a difficult and arduous process, with mixed results. Thus far approximately 50% of the women that enter the program remain in the program to completion. The program involves counseling and treatment and lasts for one year. The fee is \$50.

*Public Sex Crimes* is a program developed to provide intervention in same sex parks and other public area cruisers. The program uses counseling and education about health concerns as tools to overcome the conduct. Thus far the program has a 100% success rate. The program, started as a collaborative project with the Utah Department of Health and Salt Lake County, lasts for one year and involves five group sessions and three individual sessions. The fee is \$350.

The *Domestic Violence Court* was begun in 2002 in cooperation with the justice court and the Salt Lake Area Safe at Home Coalition. The emphasis is on intervention and treatment to address the issues of domestic violence. However, if resolution and treatment are not possible the office provides three full-time prosecutors to prosecute the case to trial if necessary. Only first time offenders are eligible and must demonstrate a willingness to take responsibility and accept treatment. The program lasts 12 months and the fee varies.

The **third tier** basically involves everything that cannot be resolved within the first two tiers, mainly DUI, assault and domestic assault. Overall, the alternative programs contained within the three tier approach have a very low recidivism rate.

#### Sandy City Prosecutor's Office

The Sandy City Prosecutor's Office prosecutes misdemeanors and ordinance violations occurring within the city limits. The office is divided into a prosecution section and a civil section. The city prosecutor employs a staff of two part-time prosecutors, one paralegal and two secretaries (one full-time and one part-time). The civil section employs five attorneys.

The Sandy City Justice court processes approximately 25,000 citations a year. The prosecutor's office is currently has 2.5 vacant attorney positions. Sandy City is a growing community with light industry and retail businesses moving in. The crime issues are somewhat different than in other municipalities in the area, which contain a larger transient population than the bedroom community of Sandy.

The two primary categories of offenses, apart from traffic citations, are DUI and domestic violence. Utah has by statute instituted a policy of mandatory arrest for the primary aggressor in domestic violence calls to the police. The Sandy City Prosecutor's Office screens all domestic violence cases and has a weekly arraignment docket for those cases. The docket is designed to streamline the processing of cases. The office has developed a

diversion program that calls for pre-plea evaluation. All defendants are present for the arraignment docket as well as victim's advocates and private treatment providers that offer counseling services. All defendants are advised of their constitutional rights by the judge, through a videotape presentation, and by the prosecutor, who speaks to the entire group and takes questions. The prosecutor explains the evaluation and diversion process and defendants are given two choices: they can either choose to schedule the case for trial or agree to enter a plea in abeyance and receive a pre-plea evaluation. Ninety percent choose the latter option. No other jurisdiction streamlines their domestic violence cases in this manner.

In order for a defendant to take advantage of the diversion program there must be no serious injury resulting from the charged incident and there must be no prior domestic violence offenses on the defendant's record. If the defendant is successful while on probation, the charges will ultimately be dismissed.

#### West Valley Prosecutor's Office

The West Valley Prosecutor's Office employs a municipal prosecutor and 3.25 full time prosecutors. One of the full time positions is funded by a federal grant, Project Safe Neighborhoods. The Federal government partners with local municipalities to prosecute felons in possession of firearms and drug users with weapons. The grant expires in 1½ years.

Last year 36,000 traffic cases and 13,000 non-traffic cases were prosecuted in West Valley; 800 Class A misdemeanors were prosecuted. All cases come into the system as the result of a citation being issued. All Class A misdemeanors are screened. Roughly 10% of the Class B and C misdemeanors are screened, which occurs at the pretrial conference, following a plea of not guilty.

The city prosecutor also serves as the police department legal advisor, mainly in the areas of policy and procedures, and conducts all police department training, in areas such as arrest and search and seizure law.

Most sentences in municipal court are a suspended jail sentence with probation and special conditions, often including drug treatment or counseling. The office offers a plea in abeyance in domestic violence cases as an alternative to incarceration. The program offers counseling and a defendant who successfully completes the program can have his or her plea and conviction set aside after one year. Diversion is used liberally in traffic cases.

#### ***Findings***

1. Municipalities in the Salt Lake metropolitan area offer a small range of alternatives to incarceration to assist individuals in need of treatment, while providing punishment and sanctions in order to protect the community. The approach taken by each municipality toward prosecution and punishment, including diversion programs, has been tailored to suit the needs and values of the diverse local communities.
2. By their very nature, justice courts serve as strong revenue producers for the municipality. Too often defendants are ordered to jail when they are unable to pay a fine and remain for the duration of their sentence.

### ***Recommendation***

1. **Municipalities should institute a program of community service to provide a method for defendants to work off fines rather than sit idle in jail.**

This idea has been considered in the past but serious steps to implement such a program, even as a pilot project, have never been undertaken due to insurance liability concerns. Another barrier is the fact that the various municipalities and justice courts have no direct financial stake in the operation of the county jail and don't feel the pinch when the jail is overcrowded.

### **LEGAL DEFENDERS ASSOCIATION**

The public defender performs the vital constitutional mission of providing indigent criminal defense services on behalf of all the citizens of Salt Lake County. An independent and effective office of public defender is essential to the integrity of any system of criminal justice. A well-funded indigent defense system is one of the measures by which a community can be judged for its contribution to equal justice, a hallmark of the Constitution.

In Utah, counties and municipalities provide indigent defense services in one of two ways: through private contracts entered into with an attorney or group of attorneys or with a non-profit corporation incorporated for a specific purpose. In Salt Lake County indigent defense services have always been provided by such a non-profit corporation, the **Legal Defenders Association**. Utah County also has established a non-profit corporation, which has been in existence for approximately ten years..

The Salt Lake Legal Defender Association provides representation for persons accused of a felony or a Class A misdemeanor in Salt Lake County District Court as well as Class B or C misdemeanor offenses in Salt Lake City Municipal Justice Court, South Salt Lake Justice Court and Salt Lake County Justice Courts. In addition, the office is responsible for handling appeals and defending cases in which the death penalty is sought. The office also provides representation for all clients participating in the numerous specialty courts (e.g. Drug Court, Mental Health Court, etc.). The Legal Defender Office does not provide representation in the remaining City Justice Courts throughout Salt Lake County. *It is estimated that the Legal Defenders handle approximately 80% of all felony cases arising in Salt Lake County.*

The Defender Office employs 57 full time attorneys, which includes recently allocated emergency funding of three attorneys funded in July 2003. All attorneys, including those in administrative or supervisory roles, carry a caseload. The Director assigns all felony cases and conducts all attorney and staff evaluations. Misdemeanor case assignments are determined by the court in which they are pending. Attorneys are assigned to specific court divisions and handle all indigent misdemeanor cases to which they are appointed in that division. The office is organized into trial teams with senior attorneys serving as team leaders, providing mentoring and training to those on the team.

The **Misdemeanor Division** represents persons charged with Class A misdemeanors in Salt Lake City District Court and Class B and C misdemeanors in Salt Lake City justice courts, as well as the mental health and drug courts. The office rarely represents in cases involving



violation of infraction or traffic law. Class A misdemeanors are heard in district court, which is a court of record. The justice courts are not courts of record and hear ordinance violations, infractions and Class B and C misdemeanors. Currently eleven attorneys are assigned to the Misdemeanor Division.

Average caseloads for attorneys funded by Salt Lake County are at the maximum recommended yearly limit of 500 per attorney, while caseloads for the five attorneys funded by Salt Lake City have reached an unacceptably high level, exceeding 1000 cases per attorney. The yearly recommended maximum standard is not to exceed 500 misdemeanor cases per attorney per year.

The Legal Defenders provide vertical representation, in that the same attorney represents the same client from initial assignment through disposition. The office estimates that attorneys spend a minimum of 60% of their work time in court.

### ***Findings***

1. The Legal Defenders perform the fundamental Constitutional mission of indigent defense in a professional and efficient manner and in so doing have a positive impact on their clients and the community as a whole. Compensation for attorneys and support staff, including insurance and retirement benefits, is adequate and comparable to the Salt Lake County District Attorney's Office. Salt Lake County has historically provided the necessary funding and resources for the office to function efficiently.

Professional training is also exceptional in that the office offers three weeks of in-house training at initial employment and also offers \$800 per attorney per year for in-house or out-of-state training opportunities. In addition, attorneys are selected annually to attend one of the multiple trial academies and seminars offered throughout the country, specializing in trial skills, evidence and evolving law. *The combination of adequate compensation and training opportunities contributes to the low turnover and high morale that exists within the office, as reflected by the significant number of attorneys who choose to make indigent defense a career.*

2. Felony caseload has increased dramatically in the past fiscal year ending December 31, 2003, creating a current caseload crisis for the Legal Defenders. During that time period the Salt Lake Legal Defender has seen an increase of 1,395 felony cases from 5,668 in 2002 to 7,062 at year end in 2003, an increase of 24.5% during the twelve month period. This rapid growth, so far unabated, is significant in that it is approximately twice the increase of any other year since 1964. The greatest threat to office morale and efficiency is excessive caseload. Yearly caseloads per attorney have increased from 167 in 2002 to 191 at 2003 year end. This exceeds the yearly recommended maximum of 150 cases per year, accepted as the standard within the legal community.<sup>24</sup>

The Salt Lake Legal Defenders addressed the caseload referral crisis in its 2004 budget request, wherein it requested funding of six new attorney positions and needed support personnel. The Legal Defenders aggressively pursued the need for

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<sup>24</sup> American Bar Association Standards for Indigent Defense, 2002

immediate funding with the Salt Lake County Mayor's Office and the Salt Lake County Council. Only one of the six requested attorney positions was funded. At the present time the Legal Defenders would need to add nine new attorneys in order to lower felony case load per attorney to the recommended maximum of 150 cases.

The sudden increase in felony cases cannot be attributed to any single crime-related factor, such as a rise in crime generally or a rise in the occurrence of a particular category of crime. The increase may reflect more aggressive law enforcement practices due to increasing numbers of law enforcement personnel. Data collected by the District Attorney shows a corresponding increase in felony filings for the period, with no significant increase in any particular offense category.

The table below illustrates the felony caseload growth for the fiscal year ending December 31, 2003, as broken down by offense category.<sup>25</sup>

**Table 6.3: Felony Cases, 2003-2003**

Year	Total Cases	Difference
2002	5668	
2003	7062	+ 1394

**Table 6.4: Felony Cases By Offense Category**

	Year	Total	Difference
<b>Drug Cases</b>	2002	1723	
	2003	2028	+305
<b>Crimes Against People</b>	2002	546	
	2003	852	+306
<b>Crimes Against Property</b>	2002	2290	
	2003	3062	+772
<b>Murder Cases</b>	2002	20	
	2003	17	-3
<b>Sex Cases</b>	2002	167	
	2003	221	+54
<b>Misc. Cases</b>	2002	922	
	2003	882	-40
<b>Total</b>	<b>2002</b>	<b>5668</b>	
<b>Total</b>	<b>2003</b>	<b>7062</b>	<b>+1394</b>

3. The roll call docket, when operating as intended, provides an efficient mechanism for the timely disposition of felony and misdemeanor cases pending on the court's docket. As its name implies, the roll call docket is a calendar call that provides a regular opportunity for the court, prosecutor and defense attorney to meet, discuss and resolve cases that can be resolved without an evidentiary hearing. There are currently two roll calls, occurring each week on Tuesday afternoon and Thursday morning. In addition, a separate roll call for drug cases has been added each Tuesday

<sup>25</sup> Data provided by Legal Defenders Association, John Hill, Director

and Thursday at 9:30 a.m. No witnesses are present and no evidence is heard. The roll call takes place after initial arraignment and prior to the preliminary hearing.

Salt Lake County does not utilize grand juries. All felony cases must go through a preliminary hearing. At a preliminary hearing the court hears evidence and determines whether the state has made a showing of probable cause to believe a crime has been committed and the defendant committed it, in which case the matter is bound over for trial in district court. Although such hearings are required by statute to be held within 10 days of the initial appearance, the requirement is rarely enforced, if ever, primarily due to the lack of available court time. In practice, the average length of time from first appearance to preliminary hearing is 4-6 weeks.

The roll call worked well for many years after its inception. In recent years, however, too many cases began coming into the system and the roll call lost its effectiveness. In addition, over time the roll call has lost its effectiveness in that too often the prosecuting attorney responsible for attending lacks authority to offer or accept plea negotiations in a particular case, resulting in a continuance of the case with the resulting delay increasing pressure on the jail for incarcerated defendants. Another factor can be the difficulty in receiving and conveying plea offers to clients prior to the roll call docket, which normally occurs within a week to ten days after the initial appearance.

4. Utah provides for indeterminate sentencing for those persons convicted of a felony offense and sentenced to state prison. There are no mandatory minimum terms to serve before becoming eligible for parole, except in the cases of some sex offenses. Once committed to prison, the period of incarceration length of time a convicted felon actually spends behind bars is entirely at the discretion of the Parole Board, which makes a determination based upon multiple criteria, including the conduct of the inmate while incarcerated.

Negotiated plea bargains are critical to the efficient disposition of cases pending in the district court. The indeterminate sentencing structure limits the plea negotiation options available to the prosecutor and defense attorney. The parties cannot negotiate for a specific number of years to serve in prison, for example. Nor is it the practice to negotiate for guaranteed probation; at most, the prosecutor will make a non-binding recommendation to the court or agree to stand silent at sentencing and raise no objection to the outcome advocated by defense counsel. The prosecutor may agree to dismiss certain counts, to reduce charges and/or to not file additional charges that could be brought against a defendant.

The effect of indeterminate sentencing and limited plea negotiation options heightens the importance of the pre-sentence report and sentencing advocacy by counsel to the court when passing sentence in a case. There is concern that pre-sentence reports have deteriorated in quality over the past year due to excessive caseload for employees of Adult Probation and Parole, who are charged with not only conducting the investigation and fact verification and making a recommendation to the court that calls for either incarceration or probation, but also with supervising those for whom it recommends probation be granted, assuming the court follows the recommendation.

In recent months Defenders believe recommendations for incarceration over probation have significantly increased. In addition, discrepancies and inaccuracies are often contained in the reports, placing the burden upon defense counsel to correct the record with the court at sentencing. However, even when corrections to the pre-sentence report are made on the record at sentencing, the corrections are often not reflected in the pre-sentence report, which is sent along with the committed inmate to prison and is used by prison officials to classify inmates and to determine the security level of inmates. This practice places the burden upon defense counsel to contact the report writer in advance of sentencing to ensure that needed corrections are made.

5. In the District Court nine judges hear misdemeanor cases. Defenders are assigned to specific judges and courtrooms. Each defender is responsible for three judges. Efforts are made to schedule the courts' misdemeanor dockets at times that correspond with the availability of the public defender but due to a lack of coordination amongst the court, defenders are often required to appear in more than one court at the same time, creating delay and confusion that often results in increased length of stay for incarcerated defendants. The lack of coordination further impacts the client in that it is often necessary to have other attorneys cover the duplicate settings, creating a lack of consistency for the client who may not have the same attorney representing them at all of their hearings.
6. Attorney-client communication is essential to the effectiveness of the relationship and contributes to the timely disposition of cases. Infrequent communication or client neglect is the greatest danger facing attorneys overloaded with cases and clients. There are currently no minimum standards or controls in place to ensure that a minimum level of client contact and communication takes place on a regular basis.<sup>26</sup> At a minimum, as required by the Rules of Professional Conduct, a client is entitled to be kept reasonably informed about his or her case and any other matters that are the subject of representation.
7. Less than 1% of all justice court convictions are appealed annually to the District Court, a surprisingly low number, given the often lengthy sentences that are imposed and the available remedies on appeal, especially where sentences are imposed in lieu of fines being paid.

In addition to dispensing justice, the various municipal justice courts play an important revenue enhancing role for the municipalities that control their operation and hire the judges and staff, primarily through the imposition of fines and court costs in criminal cases. When fines remain unpaid the most frequent justice court disposition is commitment to the county jail for a period that will satisfy the fine at a

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<sup>26</sup> Many years ago the Salt Lake Legal Defenders adopted the following policy statement: "It is the objective of the Salt Lake Legal Defender Association to provide the best possible defense within the resources that are allocated to this office. Each attorney shall be responsible for their case loads and shall make every effort to provide professional representation to each client. Attorneys shall meet personally with their clients as soon as practicable after appointment and as often thereafter as necessary to maintain the client's confidence. In the event a client is incarcerated, each attorney shall see that client within two (2) working days of the assignment whenever practicable, and in all cases prior to the next scheduled court appearance and as often as is necessary thereafter to ensure a proper attorney-client relationship is maintained."

daily rate that is about quarter of the daily cost of incarceration to the County. The various justice courts in Salt Lake County operate independently of each other, with some widely perceived by observers and practitioners to be harsher in sentencing than others. There are no uniform sentencing guidelines followed by the justice courts, and only timelines for DUI case, and thus, great disparities in case disposition times, sentences and sentences in lieu of fines, are the widespread result.

The Salt Lake Legal Defenders provide representation for the vast majority of Salt Lake County and City justice court defendants, of those that are represented by counsel, (although many low level and traffic offenders elect to proceed *pro se*, or without counsel). Defendants will often opt to accept the prosecuting attorney's offer of diversion in exchange for a plea of guilty at the first court appearance, before having to face the decision of whether to retain or request counsel.<sup>27</sup>

The most common judicial mechanism for entry into an alternative to incarceration program is the plea in abeyance of a conviction, in which the court accepts a plea of guilty or *nolo contendere* but does not enter a judgment of conviction, provided the defendant fulfills the terms and conditions of an agreement with the prosecuting attorney to receive drug treatment and/or lifestyle counseling. In the case of a misdemeanor offense, the agreement may extend for a period of up to eighteen months.<sup>28</sup> A defendant who successfully completes the agreement avoids a criminal conviction for the offense charged.

The Utah Criminal Code provides the manner of appeal of a plea of guilty and conviction from justice court to district court. Section 77-5-120 provides that a defendant may receive a *trial de novo* in the district court. This new trial right obtains if notice of appeal is filed within thirty days following sentencing in a bench or jury trial, entry of a plea of guilty resulting in a finding of guilt or a plea of guilty that is held in abeyance. A defendant is entitled to a *hearing de novo* if notice of appeal is filed within thirty days of a finding of guilt or sentence entered pursuant to a finding of guilt pursuant to the defendant's failure to fulfill the terms of a plea in abeyance agreement.

Thus, a defendant who chooses treatment over jail loses the right to have a new trial of the factual issues; defendants are entitled only to a hearing on the propriety of the original plea of guilty if he or she fails to complete the 18 month treatment program and at least 30 days have passed since the date of the guilty plea. However, a defendant who is convicted after trial or who pleads guilty *without* agreeing to enter a plea in abeyance and treatment program is entitled to a new trial, as opposed to merely a hearing, if notice of appeal is filed within 30 days of the date of the plea. Most cases appealed are ultimately disposed through plea negotiation in the district court.

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<sup>27</sup> For example, Sandy City Domestic Violence Court.

<sup>28</sup> For a felony the period is up to three years.

## ***Recommendations***

- 1. Produce alternative pre-sentence reports utilizing Defender staff to submit to the court at sentencing.**

Such reports can include background information about the client and possible alternatives to incarceration that will accomplish the goals of punishment, treatment and rehabilitation. Such alternative pre-sentence reports are utilized by public defender systems in other states and have a persuasive impact with the court.<sup>29</sup>

- 2. Establish a formal policy of guidelines for representation that will contain minimum standards for attorney-client communication, especially for incarcerated clients.**

Such a policy should also include controls, such as regular file reviews by team leaders or other senior staff, to ensure that attorney-client communication occurs on a regular basis. The current policy and practice is to respond on an ad hoc basis to complaints lodged by clients and for attorneys to “make every effort” to meet with clients on a timely basis or “whenever practicable.” In addition, where possible, the attorney and client should meet personally in an environment of privacy and confidentiality. The current practice of advising incarcerated clients of plea offers by video conference, while convenient for the attorney, with only a limited amount of time set aside for each client, can convey an impersonal attitude that may contribute to a client’s perception that he or she is merely being processed through the criminal justice system. Most often, the first time an incarcerated client meets with their attorney following initial appearance and prior to the roll call is via video conference. At such video conference, clients are asked to make the single most important decision in the process of their case: whether to accept or reject a plea offer.

- 3. The Legal Defenders should adopt a policy of routinely appealing all justice court convictions that result in excessive or disproportionate sentences, especially when the sentence is in lieu of payment of a fine, so long as the interest of the individual client in each case is served.**

In the case of pleas in abeyance, the client should be advised prior to making the decision whether to opt for the program as to the pros and cons of entering into the agreement, including the prospects of success or failure and the legal rights that may be lost, such as the right to appeal and trial *de novo*.

The practical result would be that the district courts would necessarily assume jurisdiction of more cases than already exist on recently less crowded court dockets. However, the benefits to clients and to taxpayers in the form of savings from more standardized sentencing and predictable timelines as well as reduced incarceration costs would outweigh the additional and probably temporary burden placed on the district courts, until sentencing and timelines in the justice courts fall into more of a middle-position norm.

- 4. CJAC should conduct a cost/benefit analysis for establishing a county Public Defender.**

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<sup>29</sup> The Missouri State Public Defender System regularly employs the practice.

## 7. MANAGING THE OFFENDER

### CRIMINAL JUSTICE SERVICES - PRE-TRIAL SERVICES

Pre-trial Services plays an important role in controlling the Metro Jail population by securing the release of appropriate defendants. Almost every defendant booked into the jail is screened for release 24 hours a day/7 days per week. Pre-trial Services has complete release authority on all non-violent misdemeanants and can release non-violent felons without a judge's approval. On all other felonies, staff can contact a judge for approval until 9 p.m. each night.

The ILPP tracking sample revealed that 52% of offenders booked were released through some form of pre-trial release mode including bond agency, pre-trial services, own recognizance (OR) bond, or cash bond. Bond agencies were involved in 20% of all releases, while 12% were released into a pre-trial supervision program, 9% were released by the court and 8% were released on their own recognizance.

Pre-trial staff does not utilize any predictive assessment tool to help determine the risk of defendants re-offending while in the community awaiting their court appearances or the probability of appearing for court hearings, although staff appears quite well informed. Staff utilizes written release criteria to determine whether defendants are good release risks.

The Criminal Justice Services Division of the Salt Lake County Human Services Department describes its pre-trial release criteria as follows:

- Defendants must provide verifiable ties to the community.
- Defendants must provide names and phone numbers of individuals who can verify information regarding the defendant.
- Defendants must have a good history of appearing in court.
- Defendants must demonstrate that they will not be a threat to self or community.

Pre-trial staff reviews a defendant's history of violence and prior FTAs. Prior to authorizing any release, pre-trial staff conducts a state and local criminal history check. On multiple state offenders, a national criminal history check is completed. Staff utilizes a psychologist to conduct evaluations on defendants charged with an assault or violent offense if they are otherwise eligible for pre-trial release.

The pre-trial unit currently supervises Class B domestic violence cases and Class A DUIs but typically does not supervise Class B misdemeanants. Staff also monitors court appearances, as well as compliance with all release conditions. Initially supervised defendants must contact pre-trial staff daily. Some substance abuse counseling is available and some defendants must submit to urinalysis testing. Testing results, however, are not shared with other agencies that may be involved in supervision (e.g., AP&P or County Probation) and is not shared with the court unless substance abuse is on-going and pre-trial efforts to assist the defendant have failed. During the supervised release period, appropriate defendants can be transferred to the District Drug Court program. For those high-risk, substance-abusing

defendants, this provides an excellent vehicle for early involvement in treatment and recovery. Pre-trial staff also makes referrals, as appropriate, to other community resources including sex offender treatment agencies and anger management classes.

Class B misdemeanants are typically released on their own recognizance. Class C misdemeanants are not ordinarily booked into the jail. Some justice court staff commented that pre-trial staff released some defendants even when the court set a high bail in order to retain them in jail. Pre-trial staff indicated that some of these misdemeanants clearly met all criteria for pre-trial release and some were released, and expressed a concern that the Justice Courts are beginning to set higher bail amounts in an attempt to restrict pre-trial release. The ILPP tracking data indicated that 37% of bonds were set above \$2500, but the median bond amount for Justice Courts was \$1500.

Pre-trial staff does not use electronic monitoring (EM) to enhance community supervision for higher risk defendants. Staff reported a “bad” experience with an EM provider some years ago and was reluctant to try another provider. Staff, however, was well informed about various EM technologies. Many jurisdictions use EM quite successfully to enhance supervision efforts, including Utah AP&P.

Pre-trial staff report that the county has approximately twelve bondsmen and that four of these individuals work consistently with the jail population. Although they are effective in securing bonded release, bond agents do not routinely remind defendants of court dates. Pre-trial staff identifies this as a problem that contributes to high FTA rates.

Once booked, defendants are held from two to twenty-four hours before a release is processed. Statute permits up to twenty-four hours to process a release. Some criminal justice managers expressed concern about the failure of some agencies (Sheriff/Highway Patrol) to file probable cause statements promptly. If this is not done in felony cases, then defendants are released only to have a warrant issued when charges are eventually filed. This results in re-arrest, booking and a second review by pre-trial staff. This is a costly procedure that should be avoided whenever possible.

The pre-trial Surrender Program permits defendants with an outstanding warrant to surrender themselves to law enforcement or pre-trial staff. This program is coordinated with the district attorney, defense attorney, court, arresting officers and the defendant. Surrender participants are scheduled for arraignment, booked into jail and released into the pre-trial supervision program. Last year approximately 1500 defendants were involved in the Surrender Program.

Using Criminal Justice Service data, ILPP compared release activity for August 2002 and August 2003. These appeared to be typical months during the calendar year:



**Table 7.1: Release Activity, 2002-2003**

<b>Release Activity</b>	<b>August 2002</b>	<b>August 2003</b>
Booked	2,545	2,788
Eligible for Release	2,089	2,282
Released	510	713
% Released	24%	32%
% FTA Supervised Release	19%	21%
% FTA OR Release	9%	6%
% FTA Court Ordered Release	28%	26%

Higher FTA rates are related to screening criteria, risk levels of released defendants, skill in assessing an offender's probability of appearing at a subsequent court hearing, and the process used, if any, for notifying and reminding offenders of court hearing dates. Although some of these FTA rates appear high, significant improvement has occurred since the jail consent decree was in effect. During the Federal consent decree monitoring period, FTA rates for consent decree releases and OR releases ranged between 66% and 73% compared to 23% for pre-trial services own recognizance releases and 29% for supervised releases.<sup>1</sup>

### ***Findings***

1. The 24/7 operation of the pre-trial unit is commendable and greatly assists in controlling the jail population.
2. Although the pre-trial staff is quite knowledgeable about the release assessment process, the use of a validated risk predictor assessment tool can improve decision-making.
3. Reviewing national criminal offense data on all release candidates can improve decision-making.
4. At times offenders are released to a bail bondsperson before Pre-trial Services reviews their case. This situation allows for offenders to be released without sufficient background information collected, and favors those individuals who have the means to secure release, such as drug traffickers, even though it may be best for the community that they have supervised release.
5. The use of electronic monitoring (EM) for higher risk offenders can improve and enhance supervision efforts. Consideration should also be given to broadening the range of pre-trial release options including the re-instatement of day reporting. Efforts to connect pre-trial supervision defendants to drug treatment and, as appropriate, drug court are commendable and permit defendants to invest early in their own recovery.
6. Although the pre-trial staff do remind those on supervised release of up coming court dates and times, no such formal notification and reminder appears to be made to those released on their own recognizance or via posting of bond. This may contribute to higher FTA rates.

<sup>1</sup> Salt Lake City Alternative Strategies for Providing Adequate Jail Facilities. Institute for Law and Policy Planning, 1997.

7. The failure to share positive drug test data with other agencies involved in the supervision of defendants/offenders (AP&P and local probation) may prevent those agencies from quickly responding to public safety concerns by addressing the substance abuse problem. In addition, the availability of this information would be useful in sentencing recommendations for treatment.
8. The Surrender Program and other book and release functions tend to congest the “front-end” of the jail needlessly. These functions could easily be carried out at a regional location(s).

### ***Recommendations***

- 1. Implement an actuarial risk predictor tool to assess risk of recidivating as well as probability of appearing for subsequent court hearings.**

There are many excellent tools available and staff appears to be familiar with these. ILPP recognizes that any instrument selected will need to be validated on the local population. This, however, is not a complex task and could be done by student workers under the direction of agency staff.

Consideration should also be given to providing pre-trial supervision to the higher risk misdemeanor defendant based on an assessment score. This would result in some high- risk misdemeanants entering the supervised release program. The ILPP tracking study indicated that 62% of the sample was incarcerated on misdemeanor offenses. Supervision costs could be reduced by involving probation and AP&P staff when the defendant/offender is already under their supervision on another case.

- 2. Include a national criminal offense review on all pre-trial candidates.**
- 3. Add electronic monitoring for the higher risk pre-trial releases to enhance the effectiveness of supervised release.**
- 4. Set criteria for cases that are eligible for release through a bail bondsperson without the review of Pretrial Services.**
- 5. Implement an automated telephone reminder system for all defendants released pending court hearings.**

This would include those released OR and those released via bond. AP&P may be interested in joining with pre-trial staff and the courts in this project since it offers a very efficient system for reminding their offenders of probation violation hearings. These types of reminders of court hearings have been helpful in reducing FTA rates in other jurisdictions.

- 6. Share drug test results with other agencies involved in the supervision of any defendant/offender.**

Officers from these other agencies/units (AP&P and local probation) can be helpful in the supervision of these defendants and will have additional resources available to assist.

7. **Local policing agencies can assist in alleviating the jail crowding problem by regularly reviewing their arrest actions and insuring that probable cause statements are filed promptly.**

8. **Create regional booking centers.**

Regional booking allows law enforcement to perform identification functions, through integrative technologies (such as Livescan and AFIS), at strategically located sites. Regional booking: 1) reduces the amount of time required by law enforcement to identify and book arrestees, thus enabling them to return to their duties quicker, 2) reduces congestion at the jail, thus increasing the jail's ability to process offenders faster, and 3) ensures that arrestees for even low level offenses are properly identified. Maryland and Pennsylvania have reported great success with the regional booking center concept. (Note: the Voluntary Surrender program could be operated at the regional locations).

9. **Create a pre-processing intake center at the Metro Jail to compliment the regional booking centers.**

Prior to jail entry, screen arrestees at a pre-processing intake center that serves as triage for incoming cases. The intake center should be staffed with a deputy district attorney, a public defender, a social services coordinator, and pretrial service employees who will review charges (which will reduce work loads "downstream") and determine potential release options (e.g., prosecutorial diversion, social service referral, pretrial release supervision) that curtail the likelihood of detention except for the most serious cases.

The intake center should be separate from the detention facility, to avoid legalities of custody, yet in close proximity. San Jose, California, for example, utilizes a trailer outside the jail for their pre-processing intake center.

## **DETENTION**

The Corrections Bureau is a division of the Salt Lake County Sheriff's Office and is managed by a Chief Deputy who is appointed by the Sheriff. Five Captains are assigned to jail processing, jail services, jail housing, jail support, and court services.

### ***Salt Lake County Metro Jail***

The Salt Lake County Metro Jail, in operation since January of 2000, is a "state of the art" full-service direct supervision facility designed to hold 2,080 inmates. County Council has, however, limited the capacity to 2,000 inmates (1,744 male and 256 female). This new facility has provided increased capacity, improved safety for staff and inmates, and allowed a reduction in required staffing levels compared to the previous detention facility.

The Metro Jail is a maximum security facility in that the parameter is highly secure and inmate flow in and out the building is greatly restricted. Despite the degree of security provided, the Metro Jail primarily holds inmates classified as minimum and medium security. (Roughly 65% of the jail's population is minimum security and 21% medium security).

### ***Oxbow Minimum Security Jail***

Salt Lake County recently closed the Oxbow minimum security jail following a cost-cutting study performed by the County Auditor's Office. The facility, which had more than 500 beds, was located in a business district adjacent to commercial buildings. City zoning restrictions limited it to housing only low-level inmates with no history of violence. Female inmates were also restricted from being placed at Oxbow. Because of these limitations the County could make use of about half of the available beds.

The future of the Oxbow facility is uncertain. There have been discussions of selling the building to the State of Utah, who would then possibly use the facility as a treatment center for parolees or women offenders. The potential sale raises issues for the Metro Jail as laundry services are still operated out of the Oxbow facility. In the past, the Sheriff's Office has stated a preference for selling Oxbow and using the proceeds to build additional housing units and laundry services at the Metro Jail. Such a move would centralize operations and simplify day-to-day activities. However, as the Sheriff's Office acknowledges, the sale of Oxbow also eliminates the availability of an existing asset that is in all likelihood cheaper than building new beds, if necessary sometime in the future. The County must conduct a financial assessment that compares new construction cost, plus long term operation and staffing, with the full cost of re-utilizing Oxbow (not just as a minimum security jail, but also as a home to the jail's work program and other treatment oriented services, such as CATS).

### ***Medical Services***

A recent survey conducted by the County Auditor's Office found that medical expenses at the Salt Lake County Metro Jail were higher than in other jails surveyed. As a result, staffing was reduced and the jail is now providing only a basic level of medical service. The County Council also decided not to open the jail acute medical unit as it is too costly. Consequently, all inmates in need of acute medical services are housed at a local hospital.

The County recently negotiated a contract with a new mental health services provider, MHM Correctional Services, Inc. The responsibilities of the contractor are to provide mental health counseling to jail inmates; communicate prisoner disposition to jail administration; evaluate the psychiatric status of all prisoners referred to the contractor; perform psychiatric evaluations of jail prisoners for medication purposes; assist with other medical needs; evaluate prisoners for hospitalization, potential suicide, and mental status condition; divert mentally ill prisoners from the criminal justice system; and assist the county courts. This contract also includes scheduling pre-release psychiatric appointments and following up with referral agencies. The contractor is also expected to be "pro-active" in developing a dual diagnosis substance abuse program.

The County realizes that it needs to continue to work on acquiring additional resources for improving discharge follow-up and enhancing mental health community based resources. Along with the good services that now exist now these last two components are critical to reducing jail bed use by the mentally ill offender.

### ***Classification***

The jail utilizes an objective inmate classification tool recognized by the National Institute of Corrections as best practice. This classification system provides a good measurement for determining housing assignments and assessing risk of violence while incarcerated. The Salt

Lake County Jail classification process is done manually rather than electronically. Computer versions reduce error and are less time consuming.

### ***Consent Decree and Population Management***

The criminal justice system in Salt Lake County coped with a Federal consent decree that controlled the population at the former jail for many years. The consent decree was specific to the former facility and no longer controls the County, but some of the criteria utilized during this period to prevent jail overcrowding remains in place. For example, those arrested on warrants for Class C misdemeanors are not booked unless the bail amount is over \$1,500. Some staff interviewed by ILPP consultants stated that this may have encouraged the courts to set higher bonds as a way of ensuring incarceration. Sheriff Office staff indicated that they would prefer to modify the criteria as a way of managing incarceration for those brought to jail on outstanding warrants.

The limited number of female beds is continually full. Crowding and lack of available bed space result in holding inmates in the intake processing rooms. The jail, to this point, is keeping up with the tight housing situation.

The jail is subject to a “standing court order” that requires the release of any defendant if charges are not filed within 48 hours or two business days. At the close of two business days, the jail reviews each inmate’s court record to determine if any charges were filed. If an inmate is incarcerated based on one or more new charges, but the prosecutor does not see any of them as valid or substantial enough to warrant filing, the inmate is released. Roughly one-third of new charges are not filed.

The jail does not currently face any major litigation requirements. There are a few lawsuits pending but none for conditions of confinement. Two consent decrees are basically resolved, including medical issues and mental health conditions. The attitude of the Sheriff’s Office is excellent and its goal is to resolve and eliminate all potential for litigation and respond quickly to events and complaints.

### ***Jail-based Programs***

Although the purpose of jails is to incarcerate defendants/offenders to ensure the public’s safety, meaningful jail programming can assist in rehabilitating and positively re-directing an inmate on release. Alternative programs like work release also serve to expedite release, make better use of jail beds, and provide productive work experiences.

The Sheriff operates a variety of jail based programs including religious activities, treatment programs (i.e., CATS, NA/AA), educational and GED classes, parenting skills programs, anger management and domestic violence intervention sessions, and mental health programs.

Community Custody Program: The jail operates a Prisoner Labor Detail (SPLD) and a Home Electronic Monitoring Program (SHED). Only minimum-security inmates are accepted into these programs. The jail cannot accommodate all inmates that are referred to the program by the court or who apply for the program once committed to jail. The labor program is an in-custody program and the SHED program is a work release program that permits the inmate to complete their sentence while confined to their home in the community. All inmates on work release are on electronic home monitoring and must

routinely submit to drug/alcohol testing. They are supervised in the community by staff from the Sheriff's Office. Inmates must first enter the prisoner labor program and perform satisfactorily for a minimum of one month before being considered for work release (SHED). By statute, judges can refuse to permit inmates to participate in any work release program.

The Sheriff's Office leases monitoring equipment from BI Incorporated. Staff is considering an equipment upgrade that would add an alcohol monitoring feature. This would enhance the monitoring of inmates with DUI and/or alcohol abuse histories.

Outcome data is collected on this community custody program. For 2002, the following data was provided to ILPP:

**Table 7.2: Community Custody Program Outcomes**

<b>Community Custody Program</b>	<b>Outcomes</b>
Number of Successful Completions	330
Number of Failures	181
Drug/Alcohol Related Problems	104
Escapes	27
Number at Large	4
Total Employed	107
Total SPLD Hours	111,754
Total SPLD Man Days	15,869
Total SHED This Year	524
Average SHED Per Month	93

### ***Findings***

1. Available jail beds are unnecessarily consumed by inmates held on bond. Using broader pretrial release policies and expediting in-custody cases in the court process would reduce the jail's population substantially.

Jail staff provided an example of one defendant who spent five months in jail with a \$250 bail waiting for a competency hearing. The person had been arrested on several charges and was incarcerated for having an open fire during cold weather, which typically would have resulted in a five-day jail commitment.

2. The new jail appears to be well designed. The design is high security and provides broad flexibility. In every sense, the jail operation appears professional.
3. The jail is a maximum security facility, yet a vast majority of the inmates are classified as minimum and medium risk inmates.
4. Book and release options are not utilized. The jail has resisted the implementation of a book and release option because staff concluded that there is little value in booking defendants if they would likely be immediately released anyway. Although jail staff would prefer the increased use of field citation and release in lieu of implementing a quick book and release procedure at the jail, the ILPP tracking data suggests that a book and release process could expedite the release of a significant

- number of defendants who present little risk to the community. Previous reports have suggested tracking the use of citation in lieu of arrest but this has not been initiated. Consequently police departments cannot accurately report the number cited in lieu of arrest and no statistics are available.
5. Reopening the Oxbow facility is a viable alternative for expansion in a crisis situation because it can provide immediately available beds. Operational costs, however, could be higher than the Metro Jail unless a new revenue source is developed. Zoning requirements are dubiously restrictive and present another challenge impacting the use of this facility.
  6. Another option that might be considered is the use of Oxbow as a work camp for minimum and selected medium security inmates. The Prisoner Labor Detail could be operated out of this facility rather than the Metro jail. Cities and other governmental entities benefiting from inmate labor crews should be charged the actual cost of providing this labor (e.g. staff supervisor salary, vehicle cost/maintenance, inmate lunches). With this cost offset revenue and crews operating six days per week, the operational cost for the use of Oxbow could be reduced by 30-50%. This would also provide an important sentencing option for offenders who do not pay fines/fees and who fail to work them off in a community based public service program. Consideration might also be given to moving the administration of the Home Electronic Monitoring Program (SHED) to the Oxbow facility to expedite movement of inmates into this out of custody alternative program.
  7. The County recognizes the need for prudent use of population capacity limitations to help control budget expenditures and limit the extent to which low level offenders occupy expensive bed space.
  8. Contracting with other jurisdictions for beds at the metro jail contributes to facility crowding. The County originally participated in the CAP program where local jails house federal inmates. This was done to help pay for construction of the new jail, which was to hold 75 federal inmates. Due to a shortage of beds, the US Marshal's Service is housing their inmates elsewhere. The Sheriff's position is that the County should not renew the contract.

The Metro Jail also houses state parolees and probationers who are committed to jail by the District Court as a result of violations of the terms and conditions of their parole/probation. There is some concern that the State is dumping prisoners on the county that should be committed to prison and would be there but for a State prison budget reduction and subsequent prison crowding. The local jail has no control over these commitments. The State reimburses the County for 70% of the base rate for each bed used resulting in payment of \$44 (actual cost is \$66 per day). The operational cost does not include capital cost or all county indirect costs. Except for the housing of these state probationers and parolees, the County does not contract with any other jurisdictions to hold out-of-county prisoners. It does, however, receive reimbursement from the Federal government for the temporary housing of illegal immigrants (State Criminal Assistance Program).

9. A more consistent and uniform policy of awarding “good time” credits would significantly reduce jail bed use. Salt Lake County prisoners are eligible for “good time” (a credit of ten days for every thirty days sentenced up to a statutory maximum) if they follow jail rules and their sentence permits it. Judges can control the amount of good time given to each prisoner. At the jail’s discretion good time may be awarded for participation or completion/graduation of approved programs. Good time is not earned while the prisoner is on lock down status for a sustained Prisoner Disciplinary Board violation. The jail requires prisoners to actively work or attend programs to achieve good time credits. Prisoners who do not work and do not attend programs do not earn maximum good time credits. The awarding of good time credits is an incentive for good behavior and participation in programs. Some jurisdictions provide double credit for prisoners who work and attend programs or classes to improve themselves while incarcerated.
10. The Sheriff operates a very successful inmate labor and work release program. Eligibility criteria for these programs may, however, be overly restrictive.
11. The current jail management information system does not provide needed and necessary data. It is a mainframe-based system that was developed in-house. The staff at the jail has developed a number of extensive “workarounds” requiring substantial development time for basic data analysis. The system does not distinguish pretrial from sentenced inmates, which is a central question when attempting to manage the daily inmate population. The law enforcement data system was upgraded recently but did not impact the jail management system. The state wants the county to utilize their management information. However, it does not adequately address the issues of county jails.

Improvement in the jail management information system could reduce redundant data entry and make staff more efficient, particularly in the areas of inmate classification, exchange of information with the courts, prosecutor and for research and planning
12. Only a few of the jail inmate programs use a research based cognitive behavioral approach.
13. Although the CATS program is operating well and effective in-custody treatment is essential, re-designing the program may open more slots for eligible offenders by reducing the time period for the jail treatment phase and moving some of the treatment to the community. The program, in working with the jail, has already begun to move in this direction by changing the parameters for the women’s program and exploring different options for the men’s.

### ***Recommendations***

1. **Continue to implement population management controls and hire a population management coordinator to enforce them.**

The County should continue to implement jail population control measures. A population management coordinator should monitor defendants at each stage of the criminal proceedings to ensure timeliness and monitor practices that could



contribute to jail crowding. It would be logical for the coordinator to be supervised by the current jail commander, whose goal is to prevent unrestrained growth in the inmate population.

**2. Expand the authority of the Sheriff to manage the inmate population.**

The County's goal should be to distribute authority to the jail similar to that given to the State's Department of Corrections. Expanding the authority would permit the Sheriff to move successful inmates to less stringent supervision programs such as labor details, work release, day reporting, un-tethered home detention and electronic monitoring. Likewise, it would empower the Jail to transfer inmates with costly medical expenses, such as pregnant inmates, to other alternatives.

Senate Bill 196, which was recently enacted, appears to give the Sheriff's Office greater authority in managing the inmate population. The extent of that authority is still unclear, however, as it may only apply to municipal ordinance violators. If this is the case, the County should pursue similar authority for state code prisoners via legislation.

**3. Avoid contracting bed space with other jurisdictions.**

The County should not contract to hold non-county prisoners when jail overcrowding is occurring. Priority should be given to local inmates whose incarceration required is to protect the community.

**4. Increase the use of good time provision credits.**

The County should seek court or legislative approval to consistently offer incentives for good behavior, work ethics and self-improvement through classes or program services while at the jail. With approval, the jail should allow double allocation of good time if the prisoner attends programs while also working. Good time reductions in length of stay translate directly into savings to the County.

Some jurisdictions credit inmates with all earnable good time at time of commitment. The earnable time is then reduced or eliminated if sustained disciplinary events occur. This provides for the fair and consistent application of good time credits. It also maximizes the use of good time and reduces jail bed use for those inmates who have not experienced any disciplinary problems while incarcerated.

**5. Use inmate generated funds for prisoner needs.**

The County should consider allowing the jail to retain the revenues from commissary and inmate telephones for purchase of inmate supplies for recreation and personal needs.

**6. Improve the jail's record management system.**

Improved data systems should be a high priority for the jail, Sheriff and County administration.

7. **Move in-custody treatment programs to cognitive behavioral approaches and review the National Institute of Corrections cognitive behavioral curriculum and the “what works” research materials.**

Research based programs are significantly more effective than traditional approaches. NIC has developed an in custody cognitive programs as well as training material for staff.

8. **Expand the community custody program to include additional lower risk inmates including those who have been incarcerated for failure to pay fines/fees. Expand selection criteria and permit, in appropriate cases, the immediate participation in the SHED/Work Release Program for inmates employed at time of commitment.**

Eliminate the requirement that offenders must have a month remaining on their sentence to be admitted into the SHED or SPLD programs. Screen offenders for this program upon receipt of the commitment order rather than waiting for inmates to apply for participation. Permit inmates with verifiable jobs to be considered immediately for SHED if they meet all security related requirements and do not present a threat to the community. Since research indicates that offenders who are employed experience lower recidivism rates, moving employed inmates back into jobs while in a supervised house arrest status can be advantageous.

Consider using home detention with electronic monitoring (GPS) in lieu of jail incarceration for lower risk inmates who need regular medical care and can arrange transportation for themselves. When these inmates are managed on home detention, jail staff is relieved of time consuming and expensive transportation costs.

ILPP consultants were concerned about jailing defendants for failure to pay fines and fees when this was the sole reason for incarceration. In another section of this report ILPP has recommended a public service program that would permit defendants to work off these fines/fees. Another punitive option is home detention with each day of house arrest credited against the amount owed to the court.

9. **Examine all possibilities with Oxbow.**

The status of the Oxbow facility is in limbo: should the County sell the building to the state or keep it for future use? The sale of Oxbow could generate money for expansion of the Metro Jail, if necessary. This could ultimately prove more cost effective in the long run. Keeping the Oxbow facility provides immediate options, however, including: 1) it could be used as a municipal-funded detention facility (as discussed earlier in Chapter 3), and 2) it could be used as a minimum security facility/work camp/treatment center. Under the second option, Oxbow would house the Prisoner Labor Detail Program (SPLD), and possibly CATS, rather than the Metro Jail. In addition, other programs could be incorporated such as the 48 hour DUI intervention, day reporting, community transition/re-entry (similar to a halfway or three-quarter house), and in-patient drug treatment.

A complete financial analysis needs to be performed. Tangential issues that need to be considered in the analysis include zoning restrictions, laundry operations, and renting bed space to outside agencies.

## ALTERNATIVES TO INCARCERATION

Salt Lake County has an impressive array of alternative to incarceration programs that include traditional probation and parole supervision, various treatment intervention programs, a work release program, and enhanced supervision efforts (electronic monitoring/house arrest). Some of these programs focus on rehabilitation while others are punitive or retributive in nature. Many of these programs, however, need to be expanded. This is particularly true of residential and other intensive treatment programs where long waiting lists exist (four months for a residential bed and eight weeks for a treatment slot). In discussions with criminal justice program managers, ILPP found county and AP&P staff well informed, knowledgeable about research based practices and committed to improving their intervention strategies.

The importance of alternatives to incarceration cannot be over emphasized. If they are effective, offenders do not commit new crimes and are able to become productive members of the community. Although jail serves an important public safety purpose, incarceration alone does not rehabilitate offenders.

### ***Criminal Justice Services: Probation***

The Probation Division of the Criminal Justice Services agency completes presentence reports (PSRs) on all misdemeanor cases referred by the District or Justice Courts. They also supervise more than 1,400 misdemeanants placed on probation by these Courts. Included in this group are those misdemeanants who have pleaded down from an initial felony charge. The supervision period is typically one year, but can be extended to three years.

Pre-Sentence Reports: In an ILPP study commissioned by the City of Salt Lake in 1997, the late submission of PSRs to court was identified as a significant contributor to court hearing continuances and jail overcrowding. Currently, probation staff carefully tracks the submission dates of all PSRs. Although probation reports must be submitted three days prior to court hearings, managers expect reports to be submitted five days prior to court hearings and use this standard to track late report submission. For the past five years, as shown in the table below, probation tracking data indicates that they are doing a much better job of getting reports to court in a timely manner. (Note: the table below tracks reports that are not submitted within the agencies five day requirement, not reports that did not reach the court by the sentencing date.)

**Table 7.3: Late Probation Report Rates**

Year	Late Report Rate
2003 (Through August)	13 %
2002	13 %
2001	4 %
2000	2 %
1999	3 %

Late reports are typically submitted by new staff struggling with learning the job while handling a growing workload. Given regular turnover in the probation division and a growing workload, it is expected that some reports will not be submitted on time.

Maintaining good monitoring of this function and responding quickly when problems arise will be critical as workload grows.

The County charges offenders \$60 per PSI. This is not a full cost fee.

County PSR Workload: In 2001, as a result of a significant increase in workload and staff overload, the county restricted referrals and workload and revenue decreased significantly. At this time the county is again accepting all referrals and, as a result, their referrals are expected to increase significantly in 2003. The number of probation PSR referrals over the past four years is displayed below:

**Table 7.4: Probation PSR Referrals**

Year	Referrals
2003 (Through August)	716
2002	826
2001	1,282
2000	814

Perhaps because the probation division was not accepting all referrals for a period, private probation began to provide PSR and supervision services to some Justice Courts. These agencies charge offenders \$150 to \$300 per PSR and \$30 to \$45 per month for supervision. To conduct the PSR, private agencies require defendants to secure a copy of their own criminal justice histories and are at a disadvantage in tracking down offense dispositional data when it is not on the rap sheet. In some jurisdictions private probation can be helpful in monitoring lower risk offenders. Care needs to be taken, though, in assuring that no conflict of interest exists when private agencies do PSR reports and then also provide supervision and treatment services. These functions need to be carefully separated. Justice Courts seem to prefer working with county probation directly rather than the private probation agencies. However, if county probation cannot provide the services they need, private probation offers the only immediately available option.

At this time, the County Probation strategy for dealing with an increasing workload includes implementing the LSI assessment tool, designing and implementing a mini PSR format for misdemeanor cases, developing specialty caseloads for DUI and domestic violence cases, and reviewing with judges the number of cases that might be responded to without the PSR or with an abbreviated process. Implementing these noteworthy changes before workload overcomes the investigation/supervision units will be challenging. Since probation staff conduct investigations for PSRs and supervise county probationers, the time invested in supervision will likely be significantly reduced to accommodate increased PSR referrals.

At this time, the bulk of PSRs are for DUI cases. Beer tax funds are now available to conduct an alcohol (not drug) assessment on DUIs prior to sentencing. Using these funds, an additional alternative to handling DUI offenders was recently developed through a partnership between Salt Lake County Division of Substance Abuse Services (DSAS), the Salt Lake County Division of Criminal Justice Services (CJS) and the University of Utah. The DUI Assessment and Referral Services (ARS) conduct clinical screening and assessments of the DUI/alcohol defendants and refer them to a continuum of treatment services based on the assessment. This permits these targeted offenders to invest in treatment prior to sentencing. Since implementing the ARS the County has determined that

a greater number of DUI offenders are identified as having a need for treatment than under the “old” system of non-clinical assessments. The goal of more accurate assessment and referral to the continuum of care services is to reduce probation violations and re-arrest.

The State requires the completion of a DUI curriculum for DUI offenders. Additionally, a court may order a defendant to work in a compensatory work service program as an alternative to all or part of a jail sentence for a first or second misdemeanor conviction. The minimum number of compensatory work service hours for the first DUI is 48. For the second DUI it is 240 hours. Other DUI sanctions may include ignition interlock, probation supervision, fines/fees, victim impact panels, EM/house arrest and various treatment levels. At this time, a significant number of DUI offenders are returned to jail when probation violations occur. While ILPP recognizes that this is sometimes necessary to insure public safety, other options may also be effective and should be recommended for consideration for those cases where incarceration is not required under the law.

Supervision: The local probation division supervises only misdemeanants referred by the courts. Data supplied on their “active” cases is displayed below. Supervision cases are expected to grow as PSR referrals increase.

**Table 7.5: Probation Division Caseload**

Year	Caseload
2003 (Through August)	1,447
2002	1,777
2001	2,021
2000	1,926

Probation staff carries approximately 100 cases each in addition to preparing PSRs for the court. No field visits occur. No actuarial risk/need assessment is done to focus supervision efforts on higher risk offenders and target criminogenic risks/needs. One of the agencies goals for this fiscal year is to implement the Level of Service Inventory (LSI) offender assessment tool. This is an excellent assessment instrument, but requires significant training to administer properly and takes 1 to 1.5 hours per administration. Follow up and quality assurance audits are also required to insure that the tool is used correctly and carefully integrated into case planning.

Probation does use electronic monitoring (EM), but has no data on number of participants. They use a private provider and offenders are charged \$11 per day for standard monitoring or \$16 per day if alcohol testing is added.

Probation uses a full array of drug and alcohol treatment and other services for offenders although there may be waiting periods for enrollment depending on services sought.

County probation handles approximately 60 Order to Show Cause hearings per month. If staff knows where the offender resides, a notice to show cause order is issued. If the offender’s whereabouts is unknown, the Court is notified typically issues a warrant will be issued. For minor violations, in lieu of a hearing, staff can send the court an informational report detailing the violation and the action they have taken (sanction). On receipt of this report, the court can schedule a hearing or give staff more time to work with the offender.

Although the court does use community service as a condition of probation and, occasionally, as a sanction, no public service work program is available as a sanction for violators. Violators can face a number of other sanctions including EM, enhanced treatment intervention including residential treatment, shock jail (2-3 days) and longer terms in jail.

The county charges \$15 per month for supervision. This is not a full cost fee.

At this time all probation supervision activity is tracked manually through hand written notes. Probation is in the midst of automating all of their data and anticipates that this will be completed in a few months. This change should increase the efficiency of the process and permit management to retrieve operational data more rapidly.

Without a major re-engineering effort, the probation division will soon be overwhelmed with workload. In partnership with the courts, some significant changes will need to be made on how they approach their work.

### ***Findings***

1. Staff appears well informed and is beginning to implement research-based approaches in some areas (e.g., assessment).
2. Pre-sentence reports are completed by Adult Probation and Parole (AP&P). Budget cuts in recent years have caused cutbacks of personnel and resources within the agency. One result of the budget crunch is that AP&P no longer provides pre-sentence reports for Class A misdemeanors. In addition, contract providers are used more frequently to prepare pre-sentence reports. The quality of the background investigation and final report often suffers as a result.
3. PSRs are submitted to court in a timely manner and submission dates are carefully tracked. However, as workload increases this may re-emerge as a problem that, if left un-checked, will negatively impact the jail population.
4. Full PSRs appear to sometimes be done on lower-level misdemeanor cases, where the courts could sentence offenders with no report or with a limited report.
5. Additional alternatives to incarceration are needed for DUI cases where probation violations have occurred. These alternatives should be meaningful yet include punitive sanctioning.
6. Workload increases for County Probation will require re-engineering work activities to keep pace with referrals. Even after this is done, additional staff may be necessary.
7. County Probation fees for PSRs and supervision costs are well below actual costs and result in a loss of revenue opportunity.

### ***Recommendations***

1. **Increase probation fees for PSRs and supervision to reflect more of the actual cost.**

A waiver of fees for indigent offenders should continue to be considered. Re-invest any added revenue in providing probation supervision and treatment services.

**2. Proceed with the implementation of an actuarial risk/need offender assessment tool.**

As a first step, request technical assistance from the National Institute of Corrections (NIC). This help is provided free of charge and NIC responds quickly to all requests. Information on the process of making this type of request is available on the NIC web site (see attachment).

The implementation of a risk/need tool is a first step in moving to a new research based approach to supervision. The best assessment tools, like the LSI, require considerable training and regular auditing. They also take some time to administer correctly. An expert in risk assessment tools can assist in identifying implementation challenges and preparing the organization for change.

**3. Establish a committee of judges, probation managers and AP&P staff to review the PSR format with the goal of developing a limited pre-sentence report for misdemeanant referrals that responds to the court's needs while requiring significantly less labor to produce.**

Savings in labor invested in writing court reports will be necessary if County Probation and AP&P are to continue to provide quality service in other areas.

A workload study should be initiated to determine how many minutes it takes to produce the existing PSR and project time savings as this group considers their options. This data can also be used to project realistic staffing needs as workload increases.

**4. As an additional alternative to handling DUI offenders who violate their conditions of probation and/or in lieu of the 48-hour jail requirement, institute an intervention program similar to ones used in Ohio and the City of Wichita, Kansas.**

In this model offenders check into a hotel on Friday evening at 4 p.m. and are involved in a DUI educational curriculum for two days (12 hours per day). They checkout on Sunday at 4 p.m. having completed 48 continuous hours of incarceration. During this time, jail guards are on duty and they are not permitted to leave the area. In essence, the time they are involved is considered jail time. Since the site is at a hotel, they do not crowd the county jail. Participants complete the required DUI curriculum during the weekend. They are charged for the cost of the program. In Wichita, the fee is \$250 per participant with one indigent slot set aside at each weekend session. These programs provide a punitive sanction (incarceration while not jail) as well as a meaningful curriculum. Additional benefit would result if the curriculum included cognitive behavioral approaches.

**5. Re-engineer County Probation activities toward more research based approaches.**

Promising probation programs utilize valid actuarial risk/need predictive instruments to target services toward moderate and higher risk offenders and develop case plans

that focus on criminogenic issues<sup>2</sup>. Lower risk/need offenders are banked and periodically audited for compliance with court orders. Leading criminal justice researchers have identified the following characteristics of programs that reduce recidivism. These are summarized in Matthews et. al.<sup>3</sup> as follows:

- Effective programs are behavioral in nature. A well-designed behavioral program combines a system of reinforcement with modeling to teach and motivate offenders to perform pro-social behavior.
- Levels of service should be matched to the risk level of offenders. Intensive services are necessary for a significant reduction of recidivism among high risk offenders, but when applied to low risk offenders, intensive services produce minimal or negative results.
- Offenders should be matched to services designated to improve their specific criminogenic needs such as antisocial attitudes, substance abuse, family communication, and peer associates. Improvement in these areas will contribute to reduced recidivism.
- Treatment approaches and service providers (should be) matched to the learning style or personality of the offender. For example, high anxiety offenders do not generally respond well to confrontation.
- Services to high risk offenders should be intensive, occupying 40% to 70% of the offender's time over a three to nine month period.
- Programs (should be) highly structured, and contingencies (should be) enforced in a firm but fair way.
- Staff members (should) monitor offender change on intermediate targets of treatment.

Relapse prevention and aftercare services (should be) employed in the community to monitor and anticipate problem situations and to train offenders to rehearse alternative behaviors.

The University of Cincinnati Criminal Justice website and the National Institute of Corrections database contain helpful information on the “what works” research and can guide practitioners as they improve their probation efforts. ILPP has also attached research references and a complete list of helpful websites. (See Appendix D)

In many jurisdictions, significant resources are wasted on ineffective programming for offenders. Research now provides an excellent roadmap for reengineering supervision efforts and promoting continuous quality improvement. This roadmap, when followed, results in lower recidivism rates, enhanced public safety and improved accountability.

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<sup>2</sup> Matthews, B., Hubbard, D., Latessa, E. (2001). Making the Next Step: Using Evaluability Assessments to Improve Correctional Programming. *The Prison Journal*, Vol81 No 4, December 2001 454-472.

<sup>3</sup> Corbett, R. and Harris, M.K. (June 2001). Up to Speed: A Review of Research for Practitioners. *Federal Probation*, Vol 65 No 1.



**6. Develop a public service work program as a sanction for offenders who do not pay fines/fees and as an alternative to jail for other probation violators.**

These programs offer a punitive sanction (labor) while contributing to the community through park beautification and anti-litter projects. When programs are structured using a business model that requires cities and other governmental entities benefiting from the labor to reimburse the County for the cost of supplying offender work crews, revenue can significantly offset the costs of a public service work program. Since the Sheriff currently operated a successful work release program, consideration should be given to placing any new work program under his jurisdiction.

**7. Establish a position within the Criminal Justice Advisory Council to assist agencies (District Court, Justice Courts, Parole, Probation, Law Enforcement, Sheriff, Defenders, and Prosecuting Attorney) in coordinating their efforts.**

This person would involve all agencies in grant efforts, solicitation and contracting for services (e.g. EM, diversion programs, treatment service contracts), and prioritization of county-wide criminal justice needs. Additionally, this position could serve as a focal point for system planning and the implementation of research based interventions.

## **SUBSTANCE ABUSE AND MENTAL HEALTH PROGRAMS**

The Department of Human Services through its Division of Substance Abuse (DSAS), Criminal Justice Services (Court & Treatment Services) and Mental Health Division, manages substance abuse and mental health treatment contracts, provides some direct services and supports certain specialty drug and mental health courts. To provide these services, staff has been quite successful in accessing state and federal funds to augment monies received from the County general fund. Since substance abusing and mentally ill offenders take up a disproportionate proportion of jail beds, providing meaningful and effective alternative programs and support services to these offenders is of critical importance.

The Division of Substance Abuse also provides treatment services under contract for the AP&P regional office. These programs include Community Interventions for Abusing Offenders (CIAO), a reentry and diversion program for parolees and state probationers; Zero Abuse for Probationers and Parolees (ZAPP), a diversion/treatment program for probationers; Going Home, a re-entry program; and Corrections Addictions Treatment System (CATS), a jail treatment program for men and women. DSAS also provides a part time assessment officer to AP&P to assist with matching offenders to appropriate treatment programs.

At this time, staff utilizes fifteen different private drug and alcohol treatment providers. All contracted providers are selected through an RFP competitive bid process that occurs every three years. The only direct services offered through DSAS are assessment and referral services. Expenditures for County based treatment services exceed \$8 million dollars.

DSAS provides a continuum of care by population and ASAM (American Society of Addiction Medicine) placement criteria. The ASAM assessment dimensions include: (1)

acute intoxication and/or withdrawal potential; (2) biomedical conditions and complications; (3) emotional, behavioral or cognitive conditions and complications; (4) readiness to change; (5) relapse, continued use or continued problem potential; and (6) the recovery environment. The DSAS emphasis on assessment prior to treatment referral is commendable and helps to insure that treatment dollars are wisely spent.

Cognitive behavioral intervention, a promising research based approach to treatment, is used by most providers but is not required in treatment contracts controlled by the County. Consideration should be given to requiring a cognitive behavioral component in all contracted treatment programs. All DSAS activities are assessment driven and research based. Staff appears to be truly committed to this approach.

Quality assurance on substance abuse treatment contracts consists of a file review to assure that treatment contracted for is delivered and that only treatment provided is billed. DSAS has recently added an on site clinical review of group treatment activities. This will improve the quality assurance efforts.

Valley Mental Health, under contract to the DSAS, provides a jail-based program (Correctional Addictions Treatment System or CATS) to address drug and alcohol problems. This is a six month program provided twice a year. It accommodates 64 men and 32 women at any one time (132 men and 64 women annually). Since CATS inmates must be sentenced to a minimum of eight months (six months of programming and 60 days of earnable good time), some managers believe that judges are sentencing offenders to longer sentences to insure that they are eligible for the program. ILPP profile data indicated that all CATS participants received a one year jail term and that all were sentenced by District Court. Most were convicted felons (65%) while the remainder was Class A misdemeanants. Note that recently DSAS has made changes in the female portion of the CATS program to permit open ended admission and move participants to release based on the results of monthly assessments. At present, DSAS staff indicates that funding requirements may not permit such changes in the men's CATS program. This funding is, however, ending soon.

One manager expressed the belief that the CATS program should be provided in the community not the jail and that moving it to the community would save jail beds and be less costly. Jail staff stated in interviews that many offenders with CATS court orders cannot get admitted to CATS because there is a waiting list. Often these inmates are screened instead for work release. The ILPP profile data revealed that 8% of the sample was required to complete the CATS program.

In August 2002, Jail Supervisor Rick Green completed a research paper on the CATS program. Recidivism rates in his study for 2000-2001 were reported as follows:

**Table 7.6: Completion Rates for CATS Program**

<b>Follow-up Period</b>	<b>Removed By Staff</b>	<b>Released Before Completion</b>	<b>Graduated</b>	<b>Graduated and Aftercare</b>
6 months	20 %	50 %	20 %	11.3 %
12 months	40 %	70 %	33.3 %	24.5 %
24 months	40 %	75 %	46.7 %	24.5 %

The longer term follow up (24 months) data was limited because many in the sample had not yet completed the follow up period. What is apparent is that the treatment with aftercare was significantly more effective than treatment without aftercare. This is supported by other research. This aftercare component was added after the program began and is an integral part of the program at this point.

The 2000-2001 data also revealed some problems with high drop out rates from the CATS program:

**Table 7.7: Drop Out Rates, CATS Program, 2000-2001**

Year	Removed by Staff	Released	Graduated
2000	20 %	39.05 %	40.95 %
2001	33.33 %	17.95 %	48.72 %

The success of any program is influenced both by the quality of the program itself and the risk/need levels of offenders who participant. Overall, this program is experiencing good outcomes when aftercare is provided. Drop-out rates are a bit too high. It is also noted that the target group are the minimum security inmates, a group that may not be as challenging as the medium security group that is excluded from the program.

**Criminal Justice Services - Specialty Courts:** The District Drug Court, Salt Lake County Drug Court, Salt Lake City Drug Court and the Mental Health Court are operated under the Criminal Justice Services Division of the Human Services Department. DSAS treatment services are utilized for referrals on an as needed basis.

District Drug Court: This Drug Court is a national model and approaches treatment from a research based perspective. Staff screens referrals using valid assessment tools (ASI and ASAM). They refer cases back to judges if drug court is inappropriate. That is, based on the assessment, the defendant needs less intensive and less costly intervention. Most participants are felons, but a few are Class A misdemeanants. This Drug Court is 52 weeks in duration, but graduates take an average of 22 months to complete the program. Participants must have six consecutive “clean” months prior to graduation. By year end 2003, the program was anticipated to reach 300 participants. The goal is to reach 450 by 2005. Funding for this program comes from the general fund, tobacco settlement monies, client fees and a SAMSHA grant. No formal aftercare component is provided. Staff understands the importance of this for continued success and is trying to find a way to provide formal aftercare services.

A 2001 outcome study provided the following information on defendants/offenders who were re-arrested after one year.

**Table 7.8: Drug Court ReArrest Data**

Offender/Defendant Status	Any New Arrest	New Drug Arrest
Drug Court Graduate	39 %	15 %
Drug Court Failure/Non Completer	55.4 %	39.3 %
Control Group	78 %	64 %

Salt Lake City Drug Court (CAT): Staff from the following agencies participates in this Drug Court: a judge, prosecutor, defense attorney, a drug court graduate, a case manager and a social worker. The program is six months in duration, but can be extended. Staff indicates that participants typically take 6-8 months to graduate. The prosecutor makes referrals. No pre-screening assessment is done. Most referrals are plea in abeyance cases. A few probation cases are handled. Some staff expressed concern that some inappropriate defendants are referred to this program and that as many as 50% need much less intensive and less costly intervention. All participants face a review by the drug court team rather than the judge. There are approximately 100 participants at any one time and occasional waiting lists. Most participants are charged with a marijuana or drug paraphernalia offense. By policy, DUIs cannot be referred to this drug court if it is the only charge. Typically, sanctions other than jail are used for participants who fail to comply with Drug Court requirements. No formal aftercare is provided.

Salt Lake County Justice Court Drug Court: Treatment in this drug court is also six months in duration, but most stay in the program for a longer period of time (6-10 months). Referrals are made by a judge without pre-screening. Some staff also estimate that as many as 50% of the participants do not require this intensive intervention. The program's capacity is 25-30 participants, and there are currently about 20 in the program. Most are plea in abeyance cases. Like the Salt Lake City drug court program, DUIs are excluded by policy. Sanctions for failure to comply with requirements are typically jail incarceration from 1 week to 30 days. Participating agencies include: public defender, deputy sheriff, case manager (half time), and prosecutor. Defendants are also lower risk misdemeanants. No formal aftercare is provided.

Mental Health Court: This specialty court is modeled after the district Drug Court. It is in its third year of operation. Funding is through a UCCJJ Byrne grant (\$200,000 per year). It is a 52-week community based program. Valley Mental Health and CJS staff provide a treatment plan, medication, outreach and some housing assistance (new component). Cases are primarily plea in abeyance, but also include probationers. The Judge sees participants in court weekly. Team members include: Judge, AP&P, defender, district attorney, Salt Lake Sheriff, and a staff from the University Of Utah School Of Social Work (researchers). CJS staff provides case management. Two AP&P officers do street supervision. Salt Lake police contact "no shows" and problem defendants in the community. There are sixty defendants participating in the program at this time. The capacity is fifty. By stabilizing participants, the mental health courts help to prevent most participants from re-cycling back through the jail. Staff indicates that this court has been effective both in reducing recidivism and psychiatric hospitalizations.

Although the mental health court appears to be working quite well, additional resources for the mentally ill offenders are needed. The jail remains the mental health treatment facility of last resort. Many of these offenders need lifetime care. One problem in securing funding for these individuals is that inmates lose SSI benefits if they remain incarcerated for thirty days or more. Medicaid status drives service availability. Service providers have no financial incentive to take on offenders without SSI. There is a critical need for a jail based staff to assist inmates in re-applying for SSI prior to their release and connecting them to services on release. The county mental health director estimated that there were approximately 3,000 mentally ill offenders in the community who continually re-cycle through the jail. It is less costly to provide mental health treatment in the community than in the jail.

### *Findings*

1. The District Drug Court is well designed and utilizes research-based approaches. Valid front-end screening of all referrals insures that only appropriate offenders/defendants enter the program and that others are referred to lower level, and less costly treatment/education interventions.
2. Quality assurance efforts can be improved by adding periodic on site review of group processes by licensed clinicians.
3. All drug court operations can improve outcomes by adding formal aftercare components.
4. Both the Salt Lake City and the Salt Lake County Justice Drug Courts could benefit by weeding out all inappropriate participants (e.g. those not needing intensive intervention) and referring these individuals to less expensive alternatives. A front-end screening component is needed to target Drug Court to only those who need this intervention. As they now operate, these Courts are more specialty calendars than true drug court operations.
5. The District Mental Health Court appears to be operating well and uses a research based approach. By stabilizing chronically mentally ill offenders in the community, this court does reduce jail bed use.
6. While the in-custody CATS program appears to be having some success, the long sentences required of participants significantly impacts jail bed use. Similar success rates can be achieved through well designed, research based long term, community based residential treatment programs.
7. Waiting lists for residential and community based substance abuse treatment are too long (four months for residential and eight weeks for out patient treatment).
8. The County has done an excellent job of securing federal and state treatment funds and seems well positioned to pursue any additional funding that may become available.

### *Recommendations*

1. **Review the feasibility of claiming Medicaid administrative reimbursement for those activities conducted by criminal justice staff that is rehabilitative in nature (screening, assessment, treatment referral and working with treatment agencies to assist defendants and offenders).**
2. **As resources become available, add formal aftercare to the Drug Court operations.**
3. **Continue to work toward expanding residential and out patient treatment slots.**
4. **Work toward the goal of conducting a substance abuse assessment prior to placing offenders in treatment programs to ensure that treatment resources are appropriately utilized.**

5. **Where not routinely done, develop a system to track outcome data on an annual basis for all treatment programs.**
6. **Add pre-screening to the Justice Court Drug Courts to insure that only those defendants/offenders who need the program become participants.**

The Drug Court should be open to all defendants/offenders whose assessments indicate that they need this level of intensive treatment including those who commit DUI offenses (either as plea in abeyance or formal probation supervision cases). A more cost effective, equally effective way of dealing with other offenders/defendants who do not need intensive treatment is to refer them to an appropriate, less costly level of treatment/education and, once completed, terminate jurisdiction. Termination should occur after the defendant/offender shows proof of completion and pays all fines/fees.

Consideration could be given to establishing a single county-wide Justice Court drug court program that accepts pre-screened referrals from any area Justice Court. Resources could be pooled to purchase any needed service not now available.

7. **There appears to be a need for either a county-wide justice court mental health court or a coordinated approach to the delivery of services to the misdemeanor chronically mentally ill defendant/offender.**

At this time, these offenders re-cycle through the jail with no aftercare on release. Stabilizing these individuals in the community would significantly impact jail bed day use. A single Justice Court may not be able to take on the expense of a mental health court, but pooling all justice court resources may provide sufficient resources to address this important problem. Justice Courts would need to be prepared to fund some or all of the expenses for this operation.

8. **As the jail population increases, change the design of the jail CATS program to include a jail based treatment preparation (30-60 days) component and move the remainder of the program to a community residential center.**

Although the program appears effective and successful and in-custody treatment is needed, research based out-patient treatment is typically just as effective and less costly. A 30-60 day jail based treatment intervention program can serve as a “shock” jail period while preparing the offender for long term community based treatment. Consideration should also be given to opening this program to medium level inmates whose screening assessments indicate a need for intensive treatment as long as jail personnel can maintain security in the treatment housing unit. At this time, participation is limited to those inmates classified as minimum security only. This restricts a significant proportion of the jail population. As a guideline, it is suggested that preference for participation be given to those inmates who have failed in community based residential treatment. ILPP recognizes that changing the CATS program design will be controversial and may impact grant funding. However, this

recommendation is offered to begin discussion that should include a thorough look at the jail bed day impact as well as treatment effectiveness.<sup>4</sup>

9. Add a staff to the jail to assist inmates in reapplying for SSI prior to their release and arranging post release referrals to appropriate treatment agencies.

### ADULT PROBATION AND PAROLE (AP&P) – REGION III

Region III conducts investigations and supervised felony probationers and parolees. They also supervise some misdemeanor sex offenders referred by the County Probation and some misdemeanants with significant criminal histories.

Investigations: For the period 11/10/02 through 11/10/03 Region III completed 4,573 investigations, which are broken down as follows:

**Table 7.9: AP&P Investigations Completed**

Report Type	Number Completed
PSI Class B	38
BOPP Memos	177
Post Sentence Reports	75
Felony Class A	1884
PSI Misdemeanor	830
PSI Addendum	205
PSI Sex Offender	253
PSI High Profile	21
PSI Other Felony	1066
Other	24

In the past, there have been some problems with the prompt submission of reports to court. At this time, staff estimates that they submit less than 10% of their total reports late to court and for the past two months this has been about 2%. Some re-allocation of resources has been done to help insure prompt submission of reports to courts. Staff complete seven reports per week and there is a contingency plan when workload exceeds the ability of staff to promptly complete reports. This includes sending overflow to supervision agents throughout the region. No recent workload study has been done to accurately estimate the amount of time each report type takes to complete. AP&P has approximately 45 days to complete a report. More complex reports have longer time frames.

Staff is considering the use of an abbreviated report in a matrix format to reduce the labor invested in misdemeanor reports. ILPP has made a recommendation on report formats and the elimination of some referrals in the local probation section above.

Supervision: There are approximately 6,098 offenders under AP&P supervision. Approximately 239 probationers and 90 parolees are added each month. The November 2003 AP&P active case count breaks down as follows:

<sup>4</sup> The men's CAT program is funded by a Federal grant that expires in October, 2004. Once the grant expires, the County assumedly will pick up funding as it has done with the women's program. Planning should begin to implement a new time structure for the men's program, similar to the recent changes in the women's program that have emerged since the draft report was release, to be implemented once the grant is finished.

**Table 7.10: AP&P Active Caseload**

<b>Offender Classification</b>	<b>Number</b>
Class A Misdemeanants	1,408
Class B/C Misdemeanants	27
Compact on Parole	50
Compact Probation	182
Felony Probation	2,550
Parole	1,860
Plea in Abeyance	13
Other	8

AP&P uses the LSI to assess all offenders and includes this information on all PSIs done for the Court. They recently hired a consultant to assist staff in using the data from the LSI in case planning. There may be some opportunities for AP&P to partner with local probation staff on staff training in the administration and use of the LSI.

AP&P appears to be sensitive to jail housing issues. They contract for 10-15 beds in the Weber County jail for shock incarceration (30 days). Prior to taking this action the Court or Parole Board must approve the incarceration. AP&P can use these beds when an offender commits a new offense. This is done in lieu of Salt Lake jail bed use. AP&P also has a policy of not placing a hold on offenders re-arrested on technical violations. They ordinarily use an order to show cause rather than a warrant when technical violations occur. A 72-hour hold is initiated when new offenses are committed by offenders.

Region III has three halfway houses for parolees being released from prison. These are used as “stabilization” centers. Beds in these centers total 188. Additionally, there are 154 beds in northern Utah that can be used for overflow. On rare occasions, the beds can be used to help stabilize an offender who has returned to the community but is experiencing problems and needs to be detained somewhere. AP&P also manages a “Transitional Center” for offenders released from prison without local housing (homeless) that has 45 beds. On 10-22-03, thirty-four of these beds were filled.

AP&P uses electronic monitoring (EM) extensively to enhance supervision. They have 86 units and have approximately 78 in use. Offenders do not pay for EM monitoring. AP&P report that it costs approximately \$150 per week to supervise an offender on EM (over \$21 per day), but this figure includes staff salary. The actual equipment cost per day is \$3.05.

AP&P also utilizes drug education classes and a day treatment program with a capacity of 400, as well as drug and mental health treatment including specialty courts. A substance abuse clinician works in the main office to assist staff in assessing treatment needs and making appropriate referrals. Other alternatives include curfew and community service.

Staff must notify the Court on every positive urinalysis test given by probationers. This can be done via an informational report. Upon receipt, the court may schedule a hearing or permit the officer to continue to work with the offender. Drug tests screen for opiates, methamphetamine, marijuana, and cocaine. Expanding these screens into a seven screen panel and doing some random screening for ecstasy may be helpful.

Offenders are charged \$30 per month for the cost of supervision. The annual cost of supervising a parolee is \$3,000 to \$3,500. The cost of supervising a probationer is \$1,500 to



\$2,000. In comparison to the daily jail cost of \$69.27, this equates to \$4.00 to \$9.59 per day. County Probation estimates their daily supervision cost at \$2.00 per day.

### ***Findings***

1. AP&P utilizes a full array of alternative programs and has access to both substance abuse and mental health treatment.
2. AP&P is doing a good job of submitting reports to court on time. They have a contingency plan in place to handle overload when it occurs. This will need to continue to be closely monitored to avoid continuances.
3. Charging for EM and PSIs would permit the agency to increase revenue.
4. There may be some system benefits by partnering with other agencies using EM to negotiate contracts or by including a “favored nations clause” in EM contracts to make the lowest contract cost available to all users in the area (i.e., AP&P, Sheriff, local probation).
5. The feasibility of uniting all EM supervision programs under a single oversight agency who share in the costs should be considered. This would include AP&P, Sheriff, and local probation.
6. The use of a limited misdemeanor court report format is supported and encouraged. (See local Probation recommendation).
7. A current workload study is needed to review PSI staffing levels and needs. (See local Probation recommendation).
8. The feasibility of expanding the AP&P Day Treatment program to include selected referrals from local Probation with a shared cost agreement should be considered.

### ***Recommendations***

1. **Review the feasibility and cost effectiveness of implementing a fee for PSIs and EM.**
2. **In partnership with the Sheriff and County Criminal Justice Services, review the feasibility of forming a single EM monitoring unit to handle all supervision of EM participants and the response to violations.**

This unit could consist of staff from all participating agencies. It is also recommended that all of these agencies negotiate a single EM contract to secure better equipment lease costs.

3. **In partnership with the Justice Courts and County Criminal Justice staff, continue to pursue a limited PSI/PSR format for lower level misdemeanor cases.**
4. **Review the feasibility of expanding the day treatment program to open space for referrals from the County Criminal Justice agency and the Justice Courts with client fees and referring agencies absorbing any additional cost.**

5. Although AP&P appears to be doing a good job of utilizing alternatives to incarceration effectively, use of jail space by AP&P offenders should be closely monitored and reviewed.

## 8. JUSTICE SYSTEM ACTION PLAN

A concrete action plan for Salt Lake County is needed to further develop and manage a cost-effective and efficient justice system, leading to a balanced and flexible system to meet the County's needs.

Individually, every recommendation may not result in substantial savings in money or crowding, but the cumulative effect of the action plan will be a far reaching financial impact in terms of both savings and cost avoidance. Consequently the plan must be considered as a whole series of actions to be undertaken, some immediately and others later, by different officials, in concert. Recommendations will need modification as circumstances change.

The recommendations presented in this action plan are drawn from the overall system assessment and from the individual agency assessments. They are marked here to indicate which chapter contains a more complete iteration and discussion of the issues. In addition, there are many other recommendations of “medium” import, and still others of “lesser” import that occur throughout the report that have not been included in the action plan. The action plan includes several recommendations that have been consolidated for treatment. The most important recommendations, which were the ones used to derive the “low” population projections in this study, are those in the *Primary Recommendations* table on the following page. A chart presenting other recommendations, of high and early priority, follows the Primary Recommendations.

Generally each recommendation provides all or most of the following information:

<b>Recommendation</b>	A brief statement of the recommendation.
<b>Objective</b>	Supporting principle: e.g. cost savings, improved public safety, or both.
<b>Lead Agency</b>	Agency or agencies with statutory and or administrative responsibility.
<b>Logistics</b>	Implementation issues and goals.
<b>Cost</b>	Estimated costs, cost savings, or cost considerations.
<b>Pros/Cons</b>	Policy benefits and disadvantages of the proposal.
<b>Savings</b>	Estimated bed savings or approximate impact, sometimes formulated conceptually.
<b>Time Frame</b>	Recommended timing (Stage 1, 2, 3, or 4). <b>Stage 1:</b> Implement immediately. These policy-oriented or fundamental changes and recommendations are critical to the criminal justice system's efficiency and should happen now. <b>Stage 2:</b> Implement within this fiscal year. These recommendations are more technical and in some cases require planning and/or regular funding. <b>Stage 3:</b> Implement when additional review is completed and/or as soon as funding is available. These are mid- to long-range options. <b>Stage 4:</b> Implement after further review.
<b>Priority</b>	Recommended level of importance, (A = critical, B = important, and C = very helpful and needed).

## METHODOLOGY FOR COSTS AND SAVINGS

The costs and savings that would result from each of these recommended actions is difficult to project with any certainty. Moreover, even looking at detailed information such as staffing salaries, benefits, exact square footage of buildings required, and similar information, all costs are necessarily roughly estimated.

In the discussion of costs and savings, the following general terms are used:

1. “Minimal” cost: No new staff or buildings are needed; the cost might involve reassignment of staff time to new duties.
2. “Indirect” or “Contingent” savings: These savings result from the actions of the group, coordinator, etc., not from the mere establishment of the position or group. Also, some savings are dependent on the outcome of future findings, so they cannot be quantified more specifically than “major,” meaning millions; “substantial,” meaning hundreds of thousands, or “moderate,” meaning \$10K to \$100K.
3. “Minor” costs are usually under \$10K. Probation-type savings are also indirect, resulting from decreased recidivism (jail beds are only one small component).

## PRIMARY RECOMMENDATIONS

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
Hire a criminal justice coordinator to implement the recommendations of this report and those of previous studies.	•				•		
The Criminal Justice Advisory Council must restructure so that it becomes an engine of coordination and change.	•			•			
The Justice Courts should create and adopt local sentencing guidelines and timelines to provide a framework for sanctioning Class B and C misdemeanor cases.	•				•		
The analysis of the District Courts suggests that there is a need for stronger judicial commitment and leadership to the development of time standards, better data on case flow through a better system of monitoring and automated reporting, and more court control over case progress through a new case management system.	•				•		
The jail should discontinue accepting Class B misdemeanants, with the exception of certain offenses such as DUI and violation of protection from abuse orders.	•				•		
Develop a strategic plan for a minimum-security facility that can be implemented if other avenues of controlling jail population do not prevail.			•			•	

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
A field release policy should be adopted on a countywide basis. Written procedures should include supervisory review in the field of discretionary releases along with a listing of circumstances and offenses suitable for citation releases.	•			•			
Create a system whereby a Justice Court judge presides over first appearances and arraignments.			•			•	
Establish county-wide and county operated drug, domestic violence and mental health courts with equal access to Justice Courts and the District Court.			•			•	
Municipalities should institute a program of community service to provide a method for defendants to work off fines rather than sit idle in jail.	•			•			
The Legal Defenders should adopt a policy of routinely appealing all Justice Court convictions that result in excessive or disproportionate sentences, especially when the sentence is in lieu of payment of a fine, so long as the interest of the individual client in each case is served.	•			•			
Implement an actuarial risk predictor tool to assess risk of recidivating as well as probability of appearing for subsequent court hearings.		•			•		
Add electronic monitoring for the higher risk pre-trial releases to enhance the effectiveness of supervised release.	•			•			
Create regional booking centers.			•				•
Create a pre-processing intake center at the Metro Jail to compliment the regional booking centers.		•				•	
Establish that <i>all</i> pre-trial and sentenced inmates are ultimately to the “custody of the Sheriff,” whereby the Sheriff can move offenders between the jail and various alternative work and rehabilitation programs, based on custody factors and behavior. The County could implement this change locally by court order, or through the State Legislature.	•			•			
Improve the jail’s record management system.			•				•
Expand the community custody program to include additional lower risk inmates including those who have been incarcerated for failure to pay fines/fees. Expand selection criteria and permit, in appropriate cases, the immediate participation in the SHED/Work Release Program for inmates employed at time of commitment.	•			•			
Examine all possibilities with Oxbow.	•			•			
Establish a county wide, county operated and county funded work release program.		•			•		
As an alternative to handling DUI offenders, institute an intervention program similar to ones used in Ohio and the City of Wichita, Kansas.	•				•		

## ACTION PLAN FOR PRIMARY RECOMMENDATIONS

### **Recommendation: Hire a criminal justice coordinator to implement the recommendations of this report and previous studies.**

Objective:	To bring in a professional criminal justice systems staff person to actively coordinate CJAC and facilitate initiatives of the council, such as program and policy development, grant writing, and data collection
Lead Agency	Collaborative effort between the agencies and offices participating in CJAC
Logistics:	Coordinator should work for the criminal justice system, not a specific political entity; he or she should report to CJAC executive committee; salary should be derived from a portion of the budget from each criminal justice agency, SB196 revenues, or LLEBG funding
Cost:	Salary should be determined by County Human Resources, plus benefits (estimated salary \$55,000 to \$80,000)
Pros:	Actively manages the criminal justice system through CJAC directives, ensures recommendations from studies are implemented, facilitates CJAC
Cons:	Additional salaried position
Savings:	Substantial; position helps justice system operate more efficiently and cost effectively
Time Frame:	Stage 2
Priority:	A

### **Recommendation: The Criminal Justice Advisory Council must restructure so that it becomes an engine of coordination and change.**

Objective:	To convert CJAC into a body that proactively manages the criminal justice system through innovative and sound programs and policies
Lead Agency:	County Mayor in collaboration with criminal justice agencies and offices in the County
Logistics:	Restructure CJAC executive committee to contain key decision makers, convert full CJAC into an advisory board to the executive committee, create standing committees to address on going issues such as information systems and jail population control, and form task committees to study specific issues when needed
Cost:	Currently staffed with County Mayor employees, time of participants
Pros:	Better management of the criminal justice system, CJAC becomes action oriented by the presence of key decision makers, improved flow of ideas and concepts

Cons:	Few: all members must attend to ensure the viability of CJAC; requires cooperation from each justice agency
Savings:	Actual savings in dollar amounts are difficult to quantify, but are very large and inherent in the efficiencies that will be implemented.
Time Frame:	Stage 1
Priority:	A

**Recommendation: The Justice Courts should create and adopt local sentencing guidelines and timelines to provide a framework for sanctioning Class B and C misdemeanor cases.**

Objective:	To develop sentencing standards and case timelines for the various Justice Courts that favor community-based sanctions and limits to jail terms
Lead Agency:	Justice Courts, Sheriff's Office, District Court, District Attorney, Municipal Prosecutor, Legal Defender, and CJAC
Logistics:	Sentencing standards and case timelines should be modeled after State guidelines for the District Court, yet provide richer context that reflects local values and systemic needs/resources
Cost:	Modest; time of decision makers and possibly a legal researcher
Pros:	Sentences emanating from the Justice Courts will be equitable and consistent, cases will be processed in a timely manner, and use of the jail will be reduced in favor of community-based sanctions
Cons:	Resistance by Justice Courts to limit their judicial discretion, unavailability of community-based programs/sanctions in some areas, philosophical beliefs by courts that offenders should be jailed
Savings:	Substantial; cases will be process faster and reliance on jail reduced
Time Frame:	Stage 2
Priority:	A

**Recommendation: The analysis of the District Courts suggests that there is a need for stronger judicial commitment and leadership to the development of time standards, better data on case flow through a better system of monitoring and automated reporting, and more court control over case progress through a new case management system.**

Objective:	To develop a caseload management system that provides rational allocation of court and system resources
Lead Agency:	District Court
Logistics:	Establish differentiated case processing tracks, especially for those defendants held in jail; impose agreed upon time standards on cases to limit delays in adjudication; consider employing National Center for State Courts for technical assistance

Cost:	Modest, time required for planning by court staff and judges
Pros:	Judges will have better management over their calendars and workload; reduction in backlogging of criminal cases; greater understanding of case trends and staffing needs; incarcerated defendants will be processed faster, thus shortening their time in jail
Cons:	Few; judges may at first decline to impose time standards, but they will realize the value in the long run as the standards will make their workload more manageable
Savings:	Significant savings will be realized due to a more efficient use of justice system resources
Time Frame:	Stage 2
Priority:	A

**Recommendation:** **The jail should discontinue accepting Class B misdemeanants, with the exception of certain offenses such as DUI and violation of protection from abuse orders.**

Objective:	To reduce crowding at the jail and ensure beds are available for the most serious offenders
Lead Agency	Sheriff's Office
Logistics:	Policy should be established to restrict booking of Class B offenders, with some exceptions, similar to the policy limiting Class C offenders
Cost:	None
Pros:	More rational use of limited resources, encourages the use of community-based sanctions for low level offenders, provides impetus for municipalities to develop a minimum security facility (if necessary)
Cons:	Perception that the system is "soft on crime" (which should be offset by the use of community-based sanctions)
Savings:	Substantial; helps the County avoid the cost of building a new facility.
Time Frame:	Stage 2
Priority:	A

**Recommendation:** **Develop a strategic plan for a minimum-security facility that can be implemented *if other avenues of controlling the jail population do not prevail.***

Objective:	To develop a course of action for expanding the detention facility by adding dormitory-style minimum security beds
Lead Agency	Sheriff's Office and County Mayor's Office
Logistics:	Hire a jail programmer <i>who is not an architect</i> to conduct preliminary planning for expansion should the need arise; create benchmarks



	related to the inmate population that trigger phases of the development process
Cost:	\$70,000-\$90,000 for jail programmer
Pros:	Provides the County with a workable plan should the jail population continue to climb; avoids reaching the “crisis stage” at the jail
Cons:	Increases the perception that building is inevitable; focuses efforts on detention rather than alternatives to incarceration; cost for planning
Savings:	Hiring a jail programmer who is not an architect will save the County significant money in the future as the analysis will be more objective (i.e., not driven to over-build)
Time Frame:	Stage 3
Priority:	C

**Recommendation:** **A field release policy should be adopted on a countywide basis. Written procedures should include supervisory review in the field of discretionary releases along with a listing of circumstances and offenses suitable for citation releases.**

Objective:	To reduce the unnecessary entry of arrestees into the jail, thereby reducing jail crowding
Lead Agency:	Sheriff's Office and local law enforcement agencies
Logistics:	Sheriff's Office should take the lead in developing a policy in collaboration with the local police association; police chiefs should be active in implementing new policy in their departments
Cost:	None
Pros:	Results in jail bed savings by effecting releases earlier in the judicial process and reducing the incarceration of minimal risk offenders.
Cons:	Although major change may result in resistance, implementation should later result in strong support.
Savings:	Significant as persons entering the jail will be fewer
Time Frame:	Stage 1
Priority:	A

**Recommendation:** **Create a system whereby a justice court judge presides over first appearances and arraignments.**

Objective:	To reduce the workload of the District Court criminal bench and help standardize bonds for accused by having one individual preside over these early hearings
Lead Agency:	District Court
Logistics:	A justice court judge, or retired District Court Judge, would be assigned to conduct all first appearance hearings prior to the case

being assigned to the adjudicating judge; hearings could be conducted throughout the day to reduce the length of stay for some arrestees at the jail

Cost:	Salary for judicial position
Pros:	Faster processing of cases, reduction in jail stay for inmates awaiting first hearing, consistency in bonding practices by the Court, potential for greater diversion of cases
Cons:	Cost of judicial position, although the overall savings will be greater
Savings:	Substantial as the courts will run smoother and the length of stay for pretrial detainees could be much less
Time Frame:	Stage 3
Priority:	C

**Recommendation: Establish county-wide and county operated drug, domestic violence and mental health courts with equal access to justice courts and the District Court.**

Objective:	To create centralized specialty courts that provide economies of scale for defendants in need of comprehensive services
Lead Agency:	District and Justice Courts in partnership with CJAC
Logistics:	A centralized court would handle cases referred by District and Justice Court Judges, similar in structure to the felony drug court.
Cost:	Potentially expensive to staff and operate; funding could be derived from pooling of resources from municipalities and County, grants, and SB196 revenues
Pros:	More efficient than numerous specialty courts throughout the county; provides a valuable resource to those jurisdictions that do not have the money or the caseload to justify a specialty court; standardization of treatment approaches and modalities; potential reduction in jail population; lower recidivism rates; innovative solution
Cons:	Large project that will require extensive planning and cooperation among numerous jurisdictions; cost
Savings:	Savings will be difficult to measure because the numerous courts participating will diffuse the economic impact.
Time Frame:	Stage 3
Priority:	C

**Recommendation: Municipalities should institute a program of community service to provide a method for defendants to work off fines rather than sit idle in jail.**

Objective:	To provide an alternative to jail that provides a high degree of restorative justice for the offender and the community
Lead Agency:	Justice Courts
Logistics:	Through probation or court officer, develop organized community work projects whereby a defendant provides hours of labor in lieu of incarceration
Cost:	Minimal; staff time to coordinate program (in some communities non-profit agencies or municipal departments will coordinate the program in exchange for free labor)
Pros:	Reduces jail population, enriches the community, helps the offender develop work values and possibly teaches job skills
Cons:	Supervision of labor efforts to avoid fraud in hours completed, locating community work projects on a consistent basis, concerns over liability
Savings:	Substantial; money will be saved as offenders are not housed in the jail and communities receive “free” labor
Time Frame:	Stage 1
Priority:	A

**Recommendation: The Legal Defenders should adopt a policy of routinely appealing all justice court convictions that result in excessive or disproportionate sentences, especially when the sentence is in lieu of payment of a fine, so long as the interest of the individual client in each case is served.**

Objective:	To eliminate Justice Court sentences that could be deemed excessive in comparison to sentences from other jurisdictions for similar crimes and/or defendants.
Lead Agency:	Legal defenders and the District Court
Logistics:	Sentences deemed outside the “norm” should be appealed to the District Court for review.
Cost:	None.
Pros:	Promotes fairness and consistency in sentencing from justice court to justice court, alleviates jail crowding caused by long sentences for low level crimes, reforms justice court sentencing practices
Cons:	Practice may seem disrespectful (but needed); increases the work load for the District Court, extends the time required to fully process a case

Savings: Modest to Substantial savings for the County and the Metro Jail depending on the number of appeals filed.

Time Frame: Stage 1

Priority: A

**Recommendation: Implement an actuarial risk predictor tool to assess risk of recidivating as well as probability of appearing for subsequent court hearings.**

Objective: To enhance pretrial release decision-making, reduce “no-shows” for court, reduce the jail population, and protect the community

Lead Agency: Criminal Justice Services Division (pretrial services) and CJAC

Logistics: Several outstanding risk predictor tools exist and could easily be incorporated into the pretrial review process

Cost: Minimal; training of personnel to use the risk instruments

Pros: Release decisions are based on objective measures, reduces the likelihood that someone will be unnecessarily imprisoned or released, helps determine the best form of pretrial release (i.e., supervised or unsupervised), reduces failure to appear in court, alleviates crowding at the front end of the jail

Cons: Staff resistance to use a risk instrument instead of subjective reasoning

Savings: Potentially significant if it helps reduce the jail population and delays in court caused by non-appearances.

Time Frame: Stage 2

Priority: B

**Recommendation: Add electronic monitoring for the higher risk pre-trial releases to enhance the effectiveness of supervised release.**

Objective: To provide a greater degree of supervision for accused offenders released into the community pending trial

Lead Agency: Criminal Justice Services Division (pretrial services) in cooperation with an electronic monitoring provider

Logistics: Higher risk pre-trial releases are place on home confinement or electronic monitoring with pretrial services supervising compliance

Cost: Monitoring cost should be paid by the defendant; County should consider an indigent fund

Pros:	Electronic monitoring is substantially cheaper than incarceration at the jail, greater degree of supervision for offenders that may be high risk, increases the likelihood that the offender will appear in court
Cons:	Offenders may abscond from electronic monitoring, expense of indigent supervision
Savings:	Modest to significant depending on level of use
Time Frame:	Stage 1
Priority:	A

**Recommendation: Create regional booking centers.**

Objective:	To have law enforcement officers identify and book arrestees at regional locations around the county
Lead Agency:	Sheriff's Office, District Attorney, and local police agencies
Logistics:	Officers take arrestees to a regional location for identification, criminal record check, and fingerprinting rather than the Metro Jail.
Cost:	Fairly expensive due to equipment purchase, installation of ISDN lines, and possibly staffing (i.e., fingerprint technician)
Pros:	Arrestees are properly identified before release; officers return to the community faster following an arrest; officer overtime is reduced; jail crowding at the front end is reduced
Cons:	Cost of set-up, officers bypassing the booking centers in favor of the jail, selecting proper locations (e.g., a police department centrally located within a region)
Savings:	Modest to substantial; officers will be more productive with less driving time and the jail will be less congested
Time Frame:	Stage 4
Priority:	C

**Recommendation: Create a pre-processing intake center at the Metro Jail to compliment the regional booking centers.**

Objective:	To develop a pre-processing intake center whereby incoming cases are triaged and possibly diverted from entry into the jail.
Lead Agency:	Sheriff's Office, District Attorney's Office, Legal Defender Association, Criminal Justice Services Division, Pretrial Services, community service providers, and CJAC

Logistics:	A deputy district attorney, public defender, social services coordinator, and pretrial service employee will review charges of arrestees prior to jail entry and determine potential release options (e.g., prosecutorial diversion, social service referral, pretrial release supervision) that curtail the likelihood of detention except for the most serious cases.
Cost:	Potentially expensive due to staffing requirements, but cost-effective for the system overall
Pros:	Curtails the flow of arrestees into the jail; connects arrestees with services available in the community, reduces work loads “downstream”
Cons:	Labor intensive
Savings:	Actual savings in dollar amounts are difficult to quantify but should be great
Time Frame:	Stage 3
Priority:	B

**Recommendation: Establish that *all* pre-trial and sentenced inmates are ultimately to the “custody of the Sheriff,” whereby the Sheriff can move offenders between the jail and various alternative work and rehabilitation programs, based on custody factors and behavior. The County could implement this change locally by court order, or through the State Legislature.**

Objective:	To provide flexibility in incarceration choices for all inmates
Lead Agency:	Sheriff’s Office, District Court, County Mayor, and the State of Utah
Logistics:	Requires change in policies and procedures, although this was partially accomplished with the enactment of SB 196
Cost:	None
Pros:	More efficient use of jail resources; reduces jail crowding; fully utilizes existing programming; allows the Sheriff to create space for the most serious offenders by moving low level inmates to programming; enables the Sheriff’s Office to move inmates with expensive medical needs to more appropriate settings
Cons:	Requires cooperation and commitment from each criminal justice agency, alternative programs need to be funded properly
Savings:	Significant as it will allow the Sheriff’s Office to actively control inmate population levels
Time Frame:	Stage 1
Priority:	A

**Recommendation: Improve the jail's record management system.**

Objective:	To update the jail's information system so that it provides more extensive data on the inmate population
Lead Agency:	Sheriff's Office
Logistics:	Current jail system is a "carry-over" from the old facility; new system should be installed that provides information and management capabilities that are now becoming standard
Cost:	High, but the State of Utah has developed software called "O-Track" which is free and installed in the prison system (it would require some modification)
Pros:	More timely information on the inmate population; flexibility in determining potential candidates for program placement; expanded capabilities to generate statistical reports; permits integration with other justice agency data bases
Cons:	Expensive if O-Track does not meet the jail's need; may require an update in hardware
Savings:	Modest; increase productivity at the jail and more timely information from the jail
Time Frame:	Stage 4
Priority:	C

**Recommendation: Expand the community custody program to include additional lower risk inmates including those who have been incarcerated for failure to pay fines/fees. Expand selection criteria and permit, in appropriate cases, the immediate participation in the SHED/Work Release Program for inmates employed at time of commitment.**

Objective:	To eliminate the requirement that inmates must have one month remaining on their sentence prior to be admitted into the SHED or SPLD programs
Lead Agency:	Sheriff's Office and CJAC
Logistics:	Change policy for the programs to make them more flexible; screen inmates rather than have them apply for program entry
Cost:	None
Pros:	Fully utilizes the slots available in the programs; moves inmates out of the detention facility to a more cost effective alternative; allows inmates to maintain/establish employment
Cons:	Requires monitoring of inmate population to locate candidates for program placement; resistance from courts who desire the offender to be jailed

Savings: Significant due to a reduction in crowding and full economies of scale in the programs

Time Frame: Stage 1

Priority: A

**Recommendation: Examine all possibilities with Oxbow.**

Objective: To determine if selling Oxbow to the State of Utah is more cost effective than keeping the facility for future use (i.e., municipal/minimum security jail with programming)

Lead Agency: County Mayor, Sheriff's Office, and CJAC

Logistics: A full cost analysis needs to be conducted that examines the cost of re-opening Oxbow versus possible expansion on the Metro Jail. Alternative uses of the facility should also be explored.

Cost: \$50,000- \$60,000 for study

Pros: Enriches the information available to the County prior to a final decision, provides a comprehensive cost analysis with comparable options, explores programming possibilities, and assesses ways to resolve laundry service issue

Cons: Delays decision making, cost of study

Savings: Undeterminable until completion of study

Time Frame: Stage 1

Priority: A

**Recommendation: As an additional alternative to handling DUI offenders who violate their conditions of probation and/or in lieu of the 48-hour jail requirement, institute an intervention program similar to ones used in Ohio and the City of Wichita, Kansas.**

Objective: To provide a jail alternative program for first time DUI offenders and DUI probation violators

Lead Agency: Sheriff's Office, Criminal Justice Services Division, service provider, and CJAC

Logistics: First time DUI offenders are ordered to participate in a 48-hour program held at a low cost motel or similar setting. Offenders participate in certified drug and alcohol sessions throughout their time in the program (which is typically run by counselors retained on contract). Program rules are strict. Aftercare referral services should also be provided by counselors.

Cost: To be paid by the participant (generally \$250-\$500)



Pros:	Cost-effective program that provides educational benefits to the participant, reduces the inmate population, little or no cost to operate for the County/municipalities, proven to work in other states
Cons:	Offenders fail to appear for the program, participants may try to break rules such as bringing contraband in the hotel room
Savings:	Significant; moves out a common (and large) segment of offenders from the jail
Time Frame:	Stage 2
Priority:	A

## ADDITIONAL RECOMMENDATIONS

Recommendation	Priority			Implementation Time Frame			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>System Assessment Chapter</b>							
Discontinue the use of “jail or pay” practices or, at a minimum, follow the opinion of a prominent District Court judge and sentence offenders to jail at a rate equal to the jail’s per diem. If an offender owes \$325 dollars in fines, for example, then the period of confinement should not exceed five days based on the jail’s cost to house of \$65 per day.	•			•			
Create a Justice Court committee under CJAC that coordinates community corrections alternatives in cities, publishes sentencing data on the courts, and develops guidelines that eliminate the disparities discussed herein.		•			•		
<b>Managing the Resources Chapter</b>							
The County and municipal governments should adopt a common integration and data flow policy.		•				•	
CJAC should organize a sub-committee with at least two representatives from each criminal justice agency, and schedule regular weekly or monthly meetings to discuss IT problems and do integration planning.		•			•		
The County should acquire a data integration software program or develop one in-house that permits day-to-day operational information from each agency to be relayed to the next user downstream without duplicate entry of data.			•			•	
The jail should take a second look into UDC’s O-Track system and consider it for a new management system.			•			•	
The integration software and agency databases should be accessible to report writing software that can be utilized by a skilled agency employee in each agency.			•			•	
Each information system must be able to export its data in a standard format that can be imported into future systems. Any manufacturer whose product cannot do this should be required to modify the product to add that capability, or the product should be replaced.			•			•	
Database applications that need replacing should, if possible, be paralleled for a number of years by a new, more flexible data system that does not require double entry of data.			•			•	
<b>Managing the Flow</b>							
As future facility planning and opportunities for collaboration occur, the County and municipalities, under the leadership of the Sheriff, should seek to coordinate and consolidate law enforcement functions, beginning with crime analysis.			•			•	
CJAC should create a new county-wide office of court appearance coordination.			•			•	

Recommendation	Priority			Implementation Time Frame			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>Managing the Case</b>							
Develop improved coordination between the District Court and the Justice Courts that operate within the County.		•			•		
Draft local supplemental rules that address court issues identified by the judges from their unique system-wide perspective, with a goal of improving system wide operations for the county's justice system.		•			•		
Develop the information needed to allow the courts to become "data-based" management agencies in a data-based managed system.			•			•	
Establish a CJAC task force to address the county's dominant justice issues of domestic violence and drug abuse. Members should include representatives from the district and justice courts, as well as probation, prosecution, legal defenders, jail managers, and service providers.			•			•	
A Salt Lake County Justice Court Association should be formed.		•			•		
Establish dialog between the various mayors and councils and the newly formed Justice Court Judges Association.			•		•		
Establish a traffic ticket citation mail in envelope program on a countywide basis to avoid staffing costs of taking payments.			•			•	
Implement Internet and telephone credit card payment capabilities for all justice courts.			•				•
Standardize the case management and collections software systems on a countywide basis to facilitate ease of sharing information and streamlining collections.			•			•	
Standardize forms, fines and costs throughout the County. This also could be implemented through Justice Court Association discussions with CJAC.			•			•	
Standardize pay scales for court employees and implement a shared purchasing system among all justice courts.			•				•
Establish an "Alternatives to Incarceration Advisory Committee" on CJAC.		•			•		
Allocate beds in the county jail to each Justice Court judge.			•				•
The District Attorney's Office should take steps to ensure that the roll call remains an effective mechanism to resolve pending felony cases in a timely and efficient manner.		•			•		
Produce alternative pre-sentence reports utilizing Defender staff to submit to the court at sentencing.		•				•	
Establish a formal policy of guidelines for representation that will contain minimum standards for attorney-client communication, especially for incarcerated clients.		•				•	

Recommendation	Priority			Implementation Time Frame			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>Managing the Case (continued...)</b>							
The District Attorney's Office should take the initiative to help establish new and creative alternatives to incarceration beyond the treatment courts and programs that currently exist.	•			•			
Improve coordination between the district and justice courts by including a representative of the Justice Court at the monthly District Court judges' meetings.	•			•			
CJAC should conduct a cost/benefit analysis for establishing a county Public Defender.			•				•
<b>Managing the Offender</b>							
Include a national criminal offense review on all pre-trial candidates.		•			•		
Set criteria for cases that are eligible for release through a bail bondsperson without the review of Pretrial Services.		•			•		
Implement an automated telephone reminder system for all defendants released pending court hearings.			•				•
Share drug test results with other agencies involved in the supervision of any defendant/offender.		•			•		
Local policing agencies can assist in alleviating the jail crowding problem by regularly reviewing their arrest actions and insuring that probable cause statements are filed promptly.		•			•		
Continue to implement population management controls and hire a population management coordinator to enforce them.		•				•	
Avoid contracting bed space with other jurisdictions.			•			•	
Increase the use of good time provision credits.			•			•	
Use inmate-generated funds for prisoner needs.			•				•
Move in-custody treatment programs to cognitive behavioral approaches and review the National Institute of Corrections cognitive behavioral curriculum and the "what works" research materials.		•				•	
Increase probation fees for PSRs and supervision to reflect actual costs.			•			•	
Proceed with the implementation of an actuarial risk/need offender assessment tool.		•			•		
Establish a committee of judges, probation managers and AP&P staff to review the PSR format with the goal of developing a limited pre-sentence report for misdemeanor referrals that responds to the court's needs while requiring significantly less labor to produce.		•			•		
Re-engineer County Probation activities toward more research based approaches.			•			•	

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>Managing the Offender Chapter (<i>Continued...</i>)</b>							
Develop a public service work program as a sanction for offenders who do not pay fines/fees and as an alternative to jail for other probation violators.		•			•		
Establish a position within CJAC to assist agencies (District Court, Justice Courts, Parole, Probation, Police, Sheriff, Defenders, and Prosecutors) in coordinating their efforts.		•				•	
Review the feasibility of claiming Medicaid administrative reimbursement for those activities conducted by criminal justice staff that is rehabilitative in nature (screening, assessment, treatment referral and working with treatment agencies to assist defendants and offenders).			•			•	
As resources become available, add formal aftercare to the Drug Court operations.			•				•
Add pre-screening to the Justice Court Drug Courts to insure that only those defendants/offenders who need the program become participants.		•			•		
Where not routinely done, develop a system to track outcome data on an annual basis for all treatment programs.			•				•
As the jail population increases, change the design of the jail CATS program to include a jail based treatment preparation (30-60 days) component and move the remainder of the program to a community residential center.	•				•		
Add a staff to the jail to assist inmates in reapplying for SSI prior to their release and arranging post release referrals to appropriate treatment agencies.			•				•
Continue to work toward expanding residential and out patient treatment slots.			•			•	
Review the feasibility and cost effectiveness of implementing a fee for PSIs and EM.	•				•		
In partnership with the Justice Courts and County Criminal Justice staff, continue to pursue a limited PSI/PSR format for lower level misdemeanor cases.		•				•	
Review the feasibility of expanding the day treatment program to open space for referrals from the County Criminal Justice agency and the Justice Courts with client fees and referring agencies absorbing any additional cost.	•				•		
Although AP&P appears to be doing a good job of utilizing alternatives to incarceration effectively, use of jail space by AP&P offenders should be closely monitored and reviewed.		•				•	
Work toward the goal of conducting a substance abuse assessment prior to placing offenders in treatment programs to ensure that treatment resources are appropriately utilized.	•				•		

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## APPENDICES

## APPENDIX A: CRIMINAL JUSTICE INFORMATION SYSTEMS

<b>Agency</b>	<b>Software System</b>	<b>Vendor/Author</b>	<b>Status</b>
Sheriff	RMS	Versadex	Fairly new system and users are happy with it
Salt Lake Police	RMS	Versadex	Same system as Sheriff, and tightly integrated
Jail	JEMS (mainframe)	County	Very old and needs to be replaced
Third District Court	CORIS	AOC	Fairly modern system and ongoing improvements are being made by AOC
County Justice Court	CORIS	AOC	Due to upgrade to AOC's latest version
District Attorney	AIMS (mainframe)	County	Planning to switch to the state system next year
Legal Defenders	Client Information System	Private contractor	Proprietary to this agency only
Probation	CJS-Track	Utah Department of Corrections(UDC)	Recently switched to this system
Pretrial	CJS-Track	UDC	Will finish the implementation by the end of 2003
Court Treatment Services	Microsoft Access	County	Will switch to CJS-Track next year
Substance Abuse	Web-based program in progress	State of Maryland	Will finish in April 2004

## APPENDIX B: MODEL PATROL PROCEDURES AND CITATIONS FOR ADULT MISDEMEANORS

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### Patrol Procedure #B7-1 CITE AND RELEASE PER 827.1 & 853.6 PC Santa Clara County, California

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Adopted: 12-01-00  
Replaces: B-53

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**POLICY** The release of arrestees by means other than incarceration, when managed through the use of sound discretion and in accordance with established procedures, results in substantial savings of county resources. Sheriff's Office policy will also include the use of non-arrest alternatives, which will include the issuing of citations to appear (City-Release) in lieu of physical arrest and incarceration.

**REFERENCE:** Penal code Sections 821, 822, 827.1, 853.6

#### I. PROCEDURE

- A. Eligibility for Cite-Release: Those arrested under any of the following circumstances may be eligible for release on citation:
1. Any person arrested for any misdemeanor offences (except those specified in Sec. 1.B) includes:
    - a. Citizen's arrest.
    - b. 647(f) PC, provided the release, at the time of citation, is a sober, responsible adult and the cause of impairment is **not** suspected to be drug related and you have good identification.
    - c. Arrests for any misdemeanor in-county arrest warrant, where the bail is less than \$5,001. Cumulative bail amount is irrelevant.
    - d. Out of county warrants may be cited and released in the field if the issuing agency agrees and provides a court date and location.
      1. If the out of county warrant is less than \$5,001, a citation may be issued regardless of the issuing agency's instructions to the contrary, as long as the person meets the criteria for cite-release.
- B. Ineligibility for cite-release. Persons arrested for any of the following circumstances will **not** be eligible for release on a citation:
1. The section cited in the warrant involves **any** of the following conditions:
    - a. Violence.
    - b. Firearms.
    - c. Resisting arrest.
    - d. Giving false information to a peace officer.



- e. The arrestee is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.
- f. The arrestee requires a medical examination or medical care or is unable to care for his/her own safety.
- g. The arrestee has other charges pending against him/her that would make him/her ineligible for citation.
- h. There is reasonable likelihood that the offense(s) would continue/resume, or that the safety of persons/property would be immediately endangered by the release of the person.
- i. The person refuses to sign the notice to appear.
- j. The arrestee cannot provide satisfactory evidence of personal identification or refuses to give thumbprints.
- k. The arrest warrant states the arrestee is not eligible to be released on citation.
- l. Other exceptions to field release include
  - 1. Where the arrestees identity is in doubt.
  - 2. When circumstances required additional investigation.
  - 3. Any instance in which the arresting Deputy, with supervisor's approval, deems necessary the full fingerprinting and/or photographing of the arrestee. The Supervisor must review the circumstances prior to approval for booking.

#### C. Citation-release procedures

##### 1. Field release

- a. Arrestees who qualify for cite-release may be released in the field.
  - 1. Any person arrested for 647(f) PC, may be released on citation only, into the custody of a responsible, sober adult.
  - 2. To track time spend in custody in non-warrant cite-release cases, the time of arrest and the time of release shall be included at the end of the Incident Report, which will be submitted with citation.
  - 3. In cases of multiple arrests, the times of arrest and release must be detailed accordingly.
- b. Warrant arrest release requirements.
  - 1. It is the policy of the Sheriff's Office to release on a Notice to Appear (pursuant to 853.6 PC) form (749.01 shall include the taking of both thumbprints on the back of all copies in the spaces provided. Form 749.01 will be used only for warrant(s) cite-releases, where applicable. Criminal and vehicle code cite releases will continue to be done on the "R" cite forms.
  - 2. Warrant arrestees shall be booked if:
    - aa. The warrant is marked "NO SCIT". Book agency code 4300 rather than city code, if applicable
    - ab.. The warrants are out of county, and do not meet the criteria in A.1.d above.
    - ac. The warrants are in county and bail on any one warrant is \$5001 or greater, including no bail.

- c. When an arrestee is released on a promise to appear (form 749.01) the arresting Deputy shall complete the document, including the appropriate appearance date for the judicial district holding the warrant, as provided by Sheriff's Records.
- d. If there are multiple "non-bookable" in county warrants from various jurisdictions, a separate cite (form 749.01) **MUST** be prepared for each warrant from each judicial district.
- e. If there are multiple warrants from a single jurisdiction, a separate cite (form 749.01) **MUST** be prepared for each warrant.
- f. If there are a combination of warrants, some of which don't meet cite-release criteria, book the arrestee into jail.
- g. Radio will generate an event number for the warrant cite. This number goes in the "case number" box in the upper right corner.
  - 1. Only one event number is needed, per arrestee, even if several cite-release are used.
- h. Give the arrestee his copy of the cite, put the court & office copies in the Warrant Cite Release tray at the office.
- i. When the arrestee meets the requirements for cite release on an out of county warrant, he/she must be advised of his rights per 821/822 PC.
  - 1. In this case, it is the issuing Deputy's responsibility to complete a "Notification of Charges" (form 594R) indicating the charge, warrant number, misd. Or felony, court of issuance, bail amount, and whether or not the arrestee wants to appear before a magistrate in the county. Arrestees shall then be required to sign the form, acknowledging receipt of the above information.
    - aa. This form indicates that the arrestee has received a copy of the warrant or warrant abstract; as this is impractical in the filed, tell the arrestee a copy of the warrant may be picked up at Sheriff's Records, at no cost, by showing a copy of the cite-release.
  - 2. If the arrestee refuses to sign the "Notification of Charges" or demands to see a magistrate, book the arrestee into jail.



## DEPARTMENTAL GENERAL ORDER M-7, Rev. 25 Oct 96

Index as:

Citations for Adult Misdemeanors  
Field Citations for Adult Misdemeanors  
Jail Citations for Adult Misdemeanors  
Misdemeanor Citations for Adults

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## CITATIONS FOR ADULT MISDEMEANORS

### Oakland, California

The purpose of this order is to set forth circumstances under which arresting and booking officers may issue or deny citations for adult misdemeanor offense.

#### I. DEFINITIONS

- A. **Misdemeanor**, as used in this order, shall mean any offense punishable by fine or imprisonment in a county jail for not more than six months and/or by fine not exceeding \$1,000 (Penal Code Section 19). Those offenses that are punishable as either a misdemeanor or a felony shall be handled as felonies.
- B. **Arrest**, as used in this order, shall mean taking a person into temporary custody in the field either by the actual restraint or by the person's submission to detention.
- C. **Physical Arrest**, as used in this order, shall mean taking a person into custody and transporting him/her to the jail.
- D. A **citation** is a Notice to Appear (836-001), which releases an arrested person and directs him/her to appear in court on a particular day to respond to the arrest charge. Citations may be issued after either an arrest or a physical arrest; that is they may be issued in the field or at the jail.
- E. An **adult** is a person 18 years of age or older.

#### II. GENERAL POLICY

- A. It shall be Departmental policy to issue citations for misdemeanor offenses or following a citizen's arrest for a misdemeanor offense unless one or more of the criteria set forth in Part III of this order exists.
- B. Persons arrested for infractions shall be cited pursuant to Penal Code Section 853.5 unless they refuse to sign the citation or fail to present satisfactory personal identification.
- C. Misdemeanor offenders shall not be detained in the jail merely upon the request of an arresting officer. Jail Section supervisory personnel shall base a decision to detain or release an offender on the Department criteria set forth in Part III of this order.

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

M-7

Rev.  
25 Oct 96

### III. CRITERIA FOR PHYSICAL ARREST/GROUNDS FOR DENYING FIELD AND JAIL CITATION.

	<u>Circumstances for Physical Arrest</u>	<u>Authority for Denying Citation</u>	<u>Misdemeanor Warrants</u>
A.	The person is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.  (VC 23152/3 violations – refer to General Order P-2 for chemical testing and Admin Per Se license suspension procedures)	853.6i (1)	827.1(e)
B.	The person requires medical examination or medical care or is otherwise unable to care for his/her own safety (including H&S 11550, PC 647(f))	853.6i (2)	827.1(f)
C.	The person cannot provide satisfactory evidence of personal identification	853.6i (5) VC 40302(a)	827.1(j)
D.	The person refuses to sign the citation (VC 40302b) or demands to be taken before a magistrate (VC 40302c); and any circumstance(s) listed under VC 40303	853.6i (3) 853.6i (8)	827.1(i)
E.	The prosecution of the offense(s) for which the person is arrested, or the prosecution of any other offense(s) would be jeopardized by immediate release of the person arrested	853.6i (6)	
F.	The person is wanted for parole and/or probation violations.	Department Policy	
G.	There is reason to believe that the person will fail to appear in court if released on citation. The basis for this determination shall be specifically stated on the offense report.	853.6i (9)	

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Circumstances for <u>Physical Arrest</u>	Authority for <u>Denying Citation</u>	Misdemeanor <u>Warrants</u>
<p>H. There is reasonable likelihood that the offense would continue or resume or that the safety of person or property would be immediately endangered by the release of the person. Offenses which the Department determines to be continuous include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Prostitution, PC 647(b)</li> <li>2. Soliciting/engaging in lewd act, PC 647(a)</li> <li>3. Indecent exposure, PC 314.1</li> <li>4. Encouraging to commit indecent Exposure, PC 314.2</li> <li>5. Keeping/residing in house of ill Fame, PC 315</li> <li>6. Keeping a disorderly house, PC 316</li> <li>7. Prevailing upon one to visit a place of prostitution, PC 318.</li> <li>8. An addict or habitual shoplifter</li> <li>9. Violating a protective court order involving domestic violence, PC 853.6(a)</li> <li>10. Panhandling</li> </ol>	853.6i (7)	827.1(h)
<p>I. The warrant of arrest indicates that the person is not eligible to be released on a citation</p>		827.1(k)
<p>J. The misdemeanor cited in the warrant Involves violence (Refer to General Order E-4, DOMESTIC VIOLENCE, Regarding criteria for making misdemeanor arrest and citation release in domestic violence/dispute cases)</p>		827.1(a)

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	Circumstances for <u>Physical Arrest</u>	Authority for <u>Denying Citation</u>	Misdemeanor <u>Warrants</u>
K.	The misdemeanor cited in the warrant Involves a firearm		827.1(b)
L.	The misdemeanor cited in the warrant involves giving false information to a peace officer.		827.1(d)
M.	The misdemeanor cited in the warrant involves resisting arrest.		827.1(c)
N.	The person designated in the warrant has other ineligible charges against him/her.		827.1(g)

**IV. PROCEDURES FOR ISSUING FIELD CITATIONS**

- A. A warrant check shall be made before the member determines whether the detained person is eligible to be cited.
- B. Offender's Eligibility to Receive Citation.
  - 1. Persons who meet any of the criteria set forth in Part III are ineligible for a field citation.
  - 2. In the event that a person is ineligible to be cited, the member shall state the reason for the physical arrest in the narrative portion of the Arrest Report (536-252).
  - 3. If there are multiple charges, a person must be eligible for citation release on each charge. IF the person is taken into custody, additional citable offense, if any, shall be noted on the Arrest Report.
  - 4. The above instructions do not apply to juveniles or to diplomatic and consular officials. Departmental General Order O-3, PROCESSING JUVENILE OFFENDERS, addresses juvenile citations and Training Bulletin III-O discusses Diplomatic Immunity.

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C. Issuing Field Citations on Misdemeanor Warrants

1. Whenever a warrant check reveals that a detained person is wanted on a misdemeanor warrant, the detaining member shall determine whether the offender is eligible to be cited based upon the conditions set forth in Part IV, B, of this order. If the offender is not cited, the member shall document the reason on an Arrest Report.
2. If the offender is eligible for a citation release, the member shall telephone or radio the Fugitive/Warrants Unit for warrant confirmation and obtain the following information:
  - a) Whether the warrant states that the person is eligible to be cited,
  - b) If the person is eligible to be cited, the:
    - (1) Court name and location.
    - (2) Date and time the offender is to appear. (If more than one person is charged with the commission of a misdemeanor in connection with the same incident, those who are cited shall be assigned the same court date, if possible. Court information for local warrants is printed on the daily "Hot Sheet.")
    - (3) Docket number.

D. Completing and Depositing Citations

1. Misdemeanor Offense – the member shall complete and deposit the citation form (836-001) and any other required offense reports according to Report Writing Manual Insert N-1, Notice to Appear-Misdemeanor Citation.
2. Traffic Violations – the member shall complete and deposit the citation form (836-001) and any other required offense reports according to Report Writing Manual Insert N-2, Notice to Appear-Traffic Citation.
3. If the offender is ineligible to be cited and is physically arrested, the member shall complete an offense report and an Arrest Report (536-252).
4. Do not complete an Arrest Report if a citation is issued.

**V. PROCEDURES FOR ISSUING FIELD CITATIONS**

- A. Individuals who are cited and released in the field shall be given the pink copy of the citation.
- B. The citing officer shall attach the original and yellow copy of the citation to the offense report, if any, and deposit it in the basement report

receptacle. The original and yellow copy of citations resulting from warrant arrests shall also be deposited in the basement report receptacle.

1. Erroneously completed filed citations for non-traffic offenses shall be voided and deposited in the basement report receptacle with documentation explaining the reason for voiding the citation. The word “void” shall be stamped or written across the face of each copy of the citation. The Bureau of Field Operations commander shall designate a supervisory officer to review all voided non-traffic citations for control purposes.
2. All copies of erroneously completed traffic citations shall be attached to a written report or interoffice letter setting forth the circumstances and delivered directly to the Traffic Operations Section. The word “void” **shall not** be written across any copy of the citation.

## VI. JAIL CITATIONS

- A. Persons who are physically arrested on misdemeanor offenses/warrants shall be reevaluated for eligibility for citation release according to the criteria set forth in Part III.
- B. All misdemeanor offenders who are physically arrested shall be booked before they are released, except as follows:
  1. Persons arrested for no more than two minor traffic warrants who post bail or arrange for bail within three hours following their arrests (VC 40304.5). If the person has funds to cover the bail, the arresting or transporting officer shall escort the person to the Jail Section administrative office or Records Section and stand by until bails is posted.
  2. Persons released under the authority of Penal Code Section 849(b) prior to booking.
- C. If a Jail Section sergeant decides to cite the offender, he/she shall:
  1. Write the required court information on the jail citation before giving the offender the copy.
  2. If there is a warrant, mail a copy of the citation and the abstract or original warrant to the proper jurisdiction.

By order of

Joseph Samuels, Jr.  
Chief of Police



## APPENDIX C: HISTORIC CRIME TRENDS

### A. Statewide Reported Crime Data for Index Crimes, Utah 1960-2000, from the Uniform Crime Report (UCR), Part I

#### Historic Crime Trends Utah State Wide Reported Crime Data for Index Crimes

Historic data taken from the state wide Part I of Uniformed Crime Report (UCR) shows the steady increase in state population and increasing numbers of index crimes.

Year Population	Index	Violent	Property	Murder	Forcible	Robbery	Aggravated	Burglary	Larceny-	Vehicle
					Rape		Assault		Theft	Theft
1960 890,627	22,634	484	22,150	9	61	185	229	3,655	17,081	1,414
1961 916,000	19,210	451	18,759	16	62	186	187	3,558	13,575	1,626
1962 967,000	22,559	554	22,005	22	76	217	239	4,170	15,804	2,031
1963 983,000	23,517	598	22,919	24	77	225	272	4,916	16,177	1,826
1964 992,000	25,037	888	24,149	15	100	263	510	5,233	16,906	2,010
1965 990,000	28,845	886	27,959	15	88	229	554	6,008	19,887	2,064
1966 1,008,000	33,569	1,148	32,421	20	103	368	657	6,952	22,806	2,663
1967 1,024,000	33,223	1,194	32,029	28	74	394	698	7,020	22,702	2,307
1968 1,034,000	37,037	1,201	35,836	30	115	348	708	7,665	25,532	2,639
1969 1,045,000	42,092	1,460	40,632	26	147	512	775	8,867	28,654	3,111
1970 1,059,273	44,507	1,459	43,048	36	115	563	745	9,692	30,006	3,350
1971 1,099,000	49,299	1,689	47,610	30	161	665	833	10,053	33,949	3,608
1972 1,126,000	47,364	2,063	45,301	33	206	701	1,123	10,283	31,891	3,127
1973 1,157,000	49,139	2,412	46,727	37	265	724	1,386	11,446	31,796	3,485
1974 1,173,000	58,066	2,517	55,549	37	261	889	1,330	13,289	38,391	3,869
1975 1,206,000	61,658	2,795	58,863	32	252	953	1,558	14,325	40,673	3,865
1976 1,228,000	61,127	2,709	58,418	55	257	852	1,545	13,973	40,548	3,897
1977 1,268,000	60,238	3,043	57,195	44	258	873	1,868	14,856	38,098	4,241
1978 1,307,000	65,074	3,552	61,522	49	299	869	2,335	15,516	41,642	4,364
1979 1,367,000	75,076	4,158	70,918	66	381	1,062	2,649	16,115	50,216	4,587
1980 1,458,729	85,782	4,425	81,357	55	404	1,170	2,796	19,283	57,354	4,720
1981 1,516,000	87,170	4,527	82,643	50	431	1,286	2,760	19,326	58,855	4,462
1982 1,554,000	82,891	4,440	78,451	53	369	1,344	2,674	17,202	57,341	3,908
1983 1,619,000	82,859	4,144	78,715	56	403	1,041	2,644	16,446	58,453	3,816
1984 1,652,000	78,738	4,035	74,703	47	336	958	2,694	14,176	56,782	3,745
1985 1,645,000	87,470	4,398	83,072	50	381	908	3,059	15,511	63,668	3,893
1986 1,665,000	91,215	4,441	86,774	53	421	976	2,991	15,233	67,825	3,716
1987 1,680,000	94,393	3,861	90,532	55	365	887	2,554	15,975	71,038	3,519
1988 1,691,000	94,333	4,110	90,223	47	399	915	2,749	14,898	71,677	3,648
1989 1,707,000	96,994	4,417	92,577	45	489	898	2,985	15,311	73,210	4,056
1990 1,722,850	97,512	4,892	92,620	52	651	980	3,209	15,172	73,352	4,096
1991 1,770,000	99,255	5,077	94,178	52	808	976	3,241	14,872	75,041	4,265
1992 1,813,000	102,589	5,267	97,322	54	823	1,014	3,376	16,045	76,964	4,313
1993 1,860,000	97,415	5,599	91,816	58	829	1,090	3,622	14,708	72,603	4,505
1994 1,908,000	101,142	5,810	95,332	56	806	1,213	3,735	15,089	74,554	5,689
1995 1,951,000	118,832	6,415	112,417	76	834	1,309	4,196	15,623	89,202	7,592
1996 2,000,000	119,717	6,638	113,079	63	836	1,377	4,362	16,965	87,542	8,572
1997 2,059,000	123,447	6,878	116,569	50	977	1,408	4,443	18,335	89,090	9,144
1998 2,100,000	115,624	6,599	109,025	65	875	1,385	4,274	17,070	84,255	7,700
1999 2,129,836	105,999	5,869	100,130	44	806	1,158	3,861	14,592	78,156	7,382
2000 2,233,169	99,958	5,711	94,247	43	863	1,242	3,563	14,348	73,438	6,461

B. Statewide Index Crimes per 100,000 population, Utah 1960-1999, based on Uniform Crime Report (UCR) data

Year	Population	Index	Violent	Property	Murder	Forcible	Robbery	Aggravated	Burglary	Larceny-	Vehicle
						Rape		Assault		Theft	Theft
1960	890,627	2541.4	54.3	2487.0	1	6.8	20.8	25.7	410.4	1917.9	158.8
1961	916,000	2097.2	49.2	2047.9	1.7	6.8	20.3	20.4	388.4	1482.0	177.5
1962	967,000	2332.9	57.3	2275.6	2.3	7.9	22.4	24.7	431.2	1634.3	210
1963	983,000	2392.4	60.8	2331.5	2.4	7.8	22.9	27.7	500.1	1645.7	185.8
1964	992,000	2523.9	89.5	2434.4	1.5	10.1	26.5	51.4	527.5	1704.2	202.6
1965	990,000	2913.6	89.5	2824.1	1.5	8.9	23.1	56	606.9	2008.8	208.5
1966	1,008,000	3330.3	113.9	3216.4	2	10.2	36.5	65.2	689.7	2262.5	264.2
1967	1,024,000	3244.4	116.6	3127.8	2.7	7.2	38.5	68.2	685.5	2217.0	225.3
1968	1,034,000	3581.9	116.2	3465.8	2.9	11.1	33.7	68.5	741.3	2469.2	255.2
1969	1,045,000	4027.9	139.7	3888.2	2.5	14.1	49	74.2	848.5	2742.0	297.7
1970	1,059,273	4201.7	137.7	4063.9	3.4	10.9	53.1	70.3	915	2832.7	316.3
1971	1,099,000	4485.8	153.7	4332.1	2.7	14.6	60.5	75.8	914.7	3089.1	328.3
1972	1,126,000	4206.4	183.2	4023.2	2.9	18.3	62.3	99.7	913.2	2832.2	277.7
1973	1,157,000	4247.1	208.5	4038.6	3.2	22.9	62.6	119.8	989.3	2748.1	301.2
1974	1,173,000	4950.2	214.6	4735.6	3.2	22.3	75.8	113.4	1,132.90	3272.9	329.8
1975	1,206,000	5112.6	231.8	4880.8	2.7	20.9	79	129.2	1,187.80	3372.6	320.5
1976	1,228,000	4977.8	220.6	4757.2	4.5	20.9	69.4	125.8	1,137.90	3302.0	317.3
1977	1,268,000	4750.6	240	4510.6	3.5	20.3	68.8	147.3	1,171.60	3004.6	334.5
1978	1,307,000	4978.9	271.8	4707.1	3.7	22.9	66.5	178.7	1,187.10	3186.1	333.9
1979	1,367,000	5492.0	304.2	5187.9	4.8	27.9	77.7	193.8	1,178.90	3673.4	335.6
1980	1,458,729	5880.6	303.3	5577.3	3.8	27.7	80.2	191.7	1,321.90	3931.8	323.6
1981	1,516,000	5750.0	298.6	5451.4	3.3	28.4	84.8	182.1	1,274.80	3882.3	294.3
1982	1,554,000	5334.0	285.7	5048.3	3.4	23.7	86.5	172.1	1,106.90	3689.9	251.5
1983	1,619,000	5117.9	256	4862.0	3.5	24.9	64.3	163.3	1,015.80	3610.4	235.7
1984	1,652,000	4766.2	244.2	4522.0	2.8	20.3	58	163.1	858.1	3437.2	226.7
1985	1,645,000	5317.3	267.4	5050.0	3	23.2	55.2	186	942.9	3870.4	236.7
1986	1,665,000	5478.4	266.7	5211.7	3.2	25.3	58.6	179.6	914.9	4073.6	223.2
1987	1,680,000	5618.6	229.8	5388.8	3.3	21.7	52.8	152	950.9	4228.5	209.5
1988	1,691,000	5578.5	243.1	5335.5	2.8	23.6	54.1	162.6	881	4238.7	215.7
1989	1,707,000	5682.1	258.8	5423.4	2.6	28.6	52.6	174.9	897	4288.8	237.6
1990	1,722,850	5659.9	283.9	5376.0	3	37.8	56.9	186.3	880.6	4257.6	237.7
1991	1,770,000	5607.6	286.8	5320.8	2.9	45.6	55.1	183.1	840.2	4239.6	241
1992	1,813,000	5658.5	290.5	5368.0	3	45.4	55.9	186.2	885	4245.1	237.9
1993	1,860,000	5237.4	301	4936.3	3.1	44.6	58.6	194.7	790.8	3903.4	242.2
1994	1,908,000	5300.9	304.5	4996.4	2.9	42.2	63.6	195.8	790.8	3907.4	298.2
1995	1,951,000	6090.8	328.8	5762.0	3.9	42.7	67.1	215.1	800.8	4572.1	389.1
1996	2,000,000	5985.9	331.9	5654.0	3.2	41.8	68.9	218.1	848.3	4377.1	428.6
1997	2,059,000	5995.5	334	5661.4	2.4	47.5	68.4	215.8	890.5	4326.9	444.1
1998	2,100,000	5505.9	314.2	5191.7	3.1	41.7	66	203.5	812.9	4012.1	366.7
1999	2,129,836	4976.9	275.6	4701.3	2.1	37.8	54.4	181.3	685.1	3669.6	346.6

## APPENDIX D: RESOURCE WEBSITES

### **Criminal Justice Web Sites:**

Office of Justice Programs

[www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)

Bureau of Justice Assistance

[www.ojp.usdoj.gov/bja](http://www.ojp.usdoj.gov/bja)

Bureau of Justice Statistics

[www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)

National Institute of Justice

[www.ojp.usdoj.gov/nij](http://www.ojp.usdoj.gov/nij)

Office for Victims of Crime

[www.ojp.usdoj.gov/ovc](http://www.ojp.usdoj.gov/ovc)

University of Cincinnati Criminal Justice Resource and Research Data

[www.edu/criminaljustice](http://www.edu/criminaljustice)

Office of Juvenile Justice and Delinquency Prevention

[www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)

National Institute of Corrections

[www.nicic.org](http://www.nicic.org)

Office of Community Oriented Policing Services

[www.cops.usdoj.gov](http://www.cops.usdoj.gov)

National Criminal Justice Reference Service

[www.ncjrs.org](http://www.ncjrs.org)

American Probation and Parole Association

[www.appa-net.org](http://www.appa-net.org)

Violence Against Women Office, U.S. Department of Justice

[www.vawo.usdoj.gov](http://www.vawo.usdoj.gov)

Safer Places, USA – Community Crime Prevention

[www.weprevent.org](http://www.weprevent.org)

National Crime Prevention Council Resource Center

[www.ncpc.org](http://www.ncpc.org)

Center for Sex Offender Management

[www.csom.org](http://www.csom.org)

Vera Institute of Justice

[www.vera.org](http://www.vera.org)

Correctional Service of Canada Research Site

[www.csc-scc.gc.ca/](http://www.csc-scc.gc.ca/)

Minnesota Association of Community Corrections Act Counties

[www.maccac.org](http://www.maccac.org)

Justice Technology Information Network (JUSNET)

[www.nlectc.org](http://www.nlectc.org)

National Council on Crime and Delinquency

[www.nccd.com](http://www.nccd.com)

National Council on Juvenile and Family Court Judges

[www.ncfcj.org](http://www.ncfcj.org)

American Jail Association

[www.corrections.com/aja](http://www.corrections.com/aja)

American Correctional Association

[www.corrections.com/aca](http://www.corrections.com/aca)

Pretrial Resource Center

[www.pretrial.org](http://www.pretrial.org)

National Association of Pretrial Services Agencies

[www.napsa.org](http://www.napsa.org)

### **Drug Court and Drug Program Web Sites:**

Office of National Drug Control Policy

[www.whitehousedrugpolicy.gov](http://www.whitehousedrugpolicy.gov)

National Clearinghouse on Alcohol and Drug Information

[www.health.org](http://www.health.org)

National Institute on Drug Abuse (NIDA)

[www.samhsa.gov](http://www.samhsa.gov)

National Center on Addiction and Substance Abuse (CASA) at Columbia University

[www.casacolumbia.org](http://www.casacolumbia.org)

U.S. Department of Labor Substance Abuse Information Database (SAID)

[www.dol.gov/dol/asp/publicprograms/drugs](http://www.dol.gov/dol/asp/publicprograms/drugs)

Community Anti-Drug Coalitions of America

[www.cadca.org](http://www.cadca.org)

American Council for Drug Education

[www.acde.org](http://www.acde.org)

National Council on Alcoholism and Drug Dependency

[www.ncadd.org](http://www.ncadd.org)

Join Together Drug and Alcohol Resource and Reference Site

[www.jointogether.org](http://www.jointogether.org)

Partnership for a Drug Free America

[www.drugfreeamerica.org](http://www.drugfreeamerica.org)

American Society of Addiction Medicine

[www.asam.org](http://www.asam.org)

National Association of State Alcohol and Drug Abuse Directors

[www.nasadad.org](http://www.nasadad.org)

Drug Watch International

[www.drugwatch.org](http://www.drugwatch.org)

Mothers Against Drunk Driving

[www.madd.org](http://www.madd.org)

National Association of Alcoholism and Drug Abuse Counselors

[www.naadac.org](http://www.naadac.org)

UCSD Addiction Technology Transfer Center

[www.attc.ucsd.edu](http://www.attc.ucsd.edu)

National Council for Community Behavioral Health

[www.nccbh.org](http://www.nccbh.org)

Hazelton Foundation

[www.hazelton.org](http://www.hazelton.org)

Anti-Methamphetamine Campaign

[www.antimeth.com](http://www.antimeth.com)

## **Grants and Funds**

Federal Register

[www.access.gpo.gov](http://www.access.gpo.gov)

Foundation Center

[www.foundationcenter.org](http://www.foundationcenter.org)

Hands Net

[www.handsnet.org](http://www.handsnet.org)

Grant Proposal Preparation Information

[www.charitychannel.com/](http://www.charitychannel.com/)

Grantsmanship Center

[www.tgci.com](http://www.tgci.com)

Federal Register Sponsored Programs Information Network (SPIN)

[www.infoed.org](http://www.infoed.org)

### **Mental Health Information:**

Internet Mental Health Information

[www.mentalhealth.com](http://www.mentalhealth.com)

SAMHSA National Mental Health Information Center

[www.mentalhealth.org](http://www.mentalhealth.org)

National Council for Community Behavioral Health

[www.nccbh.org](http://www.nccbh.org)

National Institute of Mental Health

[www.nimh.nih.gov](http://www.nimh.nih.gov)

### **Domestic Violence Web Sites:**

Communities Against Violence Network

[www.cavnet.org](http://www.cavnet.org)

Stop Violence Web Site –Information and Training Resources

[www.stopdv.com](http://www.stopdv.com)

National Coalition Against Domestic Violence

[www.ncadv.org](http://www.ncadv.org)

Stalking Information

[www.stalkingvictims.com](http://www.stalkingvictims.com)

## APPENDIX E: JAIL STATISTICS

### 2002 Summary of Admissions and Release at County Jail

### 2002 Year End Stats

### Monthly Average

Date	Bookings	Releases	ADC	Oxbow	Electronic Monitoring		Total Roster
					SILD	Employed	
January	80	79	1,590	298	58	34	1,981
February	66	71	1,550	175	72	34	1,653
March	87	81	1,800	0	69	26	1,895
April	85	86	1,855	0	76	20	1,888
May	85	85	1,850	0	70	20	1,939
June	78	78	1,824	0	69	26	1,857
July	80	83	1,749	0	63	27	1,840
August	82	82	1,730	0	58	24	1,813
September	88	83	1,840	0	70	25	1,873
October	86	85	1,907	0	62	25	1,994
November	89	88	1,940	0	72	26	1,972
December	83	86	1,922	0	65	30	2,017
Monthly Average	989	987	21,557	473	804	317	22,721
Year Daily Avg.	82	82	1,796	39	67	26	1,893

### Monthly Totals

Date	Bookings	Releases	ADC	Oxbow	Electronic Monitoring		
					SILD	Employed	
January	2,495	2,449	49,300	9,249	1,787	1,068	61,404
February	1,835	1,983	43,386	4,890	2,012	944	51,232
March	2,688	2,524	55,797	0	2,140	815	58,752
April	2,547	2,589	55,652	0	2,291	586	58,529
May	2,630	2,633	57,338	0	2,158	613	60,109
June	2,336	2,353	54,732	0	2,072	767	57,571
July	2,495	2,571	54,230	0	1,968	841	57,039
August	2,545	2,542	53,639	0	1,809	752	56,200
September	2,645	2,495	55,211	0	753	58,053	114,017
October	2,652	2,620	59,109	0	1,935	774	61,818
November	2,660	2,625	58,187	0	2,168	780	61,135
December	2,577	2,671	59,578	0	2,013	927	62,518
Monthly Totals	30,105	30,055	656,159	14,139	23,106	66,920	760,324
Current Year Avg.	2,509	2,505	54,680	1,178	1,926	5,577	

2000 Summary of Arresting Agency			2002 Summary of Arresting Agency		
Prisoners			Prisoners		
Arresting Agency	#	%	Arresting Agency	#	%
<b>Local</b>	<b>25,933</b>	<b>83.3%</b>	<b>Local</b>	<b>25,041</b>	<b>83.2%</b>
Constable	1,017	3.9%	Constable	710	2.8%
District Attorney	9	0.0%	District Attorney	11	0.0%
Granite School District	50	0.2%	Granite School District	20	0.1%
Jordan School District	1	0.0%	Jordan School District	0	0.0%
Metro Gang	10	0.0%	Metro Gang	152	0.6%
Metro Narcotics	32	0.1%	Metro Narcotics	22	0.1%
Midvale	900	3.5%	Midvale	717	2.9%
Murray	999	3.9%	Murray	896	3.6%
Other	299	1.2%	Other	299	1.2%
Salt Lake	7,723	29.8%	Salt Lake	6,920	27.6%
Salt Lake Airport Authority	130	0.5%	Salt Lake Airport Authority	130	0.5%
Sandy	818	3.2%	Sandy	833	3.3%
Sheriff's Office	8,723	33.6%	Sheriff's Office	2,133	8.5%
South Jordan	257	1.0%	Sheriff's Office Bluffdale	10	0.0%
South Salt Lake	1,655	6.4%	Sheriff's Office Courts	2,322	9.3%
University of Utah Police Dept.	65	0.3%	Sheriff's Office Draper	86	0.3%
West Jordan	694	2.7%	Sheriff's Office Herriman	8	0.0%
West Valley	2,551	9.8%	Sheriff's Office Holladay	119	0.5%
<b>State</b>	<b>4,718</b>	<b>15.2%</b>	Sheriff's Office Jails	1,888	7.5%
Adult Probation and Parole	922	19.5%	Sheriff's Office Protective Service	25	0.1%
Highway Patrol	3,294	69.8%	Sheriff's Office Riverton	61	0.2%
Juvenile Court	1	0.0%	Sheriff's Office Taylorsville	624	2.5%
Other	482	10.2%	Sheriff's Office Unincorporated	1,684	6.7%
Prison	19	0.4%	South Jordan	272	1.1%
<b>Federal</b>	<b>378</b>	<b>1.2%</b>	South Salt Lake	1,339	5.3%
Drug Enforcement Agency	32	8.5%	University of Utah Police Dept.	59	0.2%
Federal Bureau of Investigation	137	36.2%	West Jordan	747	3.0%
Other	27	7.1%	West Valley	2,954	11.8%
United States Marshals	182	48.1%	<b>State</b>	<b>4,191</b>	<b>13.9%</b>
<b>Other</b>	<b>86</b>	<b>0.3%</b>	Adult Probation and Parole	1,149	27.4%
Bonding Companies	68	79.1%	Highway Patrol	2,679	63.9%
Out of County Agency	6	7.0%	Juvenile Court	0	0.0%
Out of State Agency	3	3.5%	Other	335	8.0%
Union Pacific Police Dept.	9	10.5%	Prison	28	0.7%
<b>Total Prisoners Booked</b>	<b>31,115</b>		<b>Federal</b>	<b>755</b>	<b>2.5%</b>
			Drug Enforcement Agency	24	3.2%
			Federal Bureau of Investigation	36	4.8%
			Other	365	48.3%
			United States Marshals	330	43.7%
			<b>Other</b>	<b>119</b>	<b>0.4%</b>
			Bonding Companies	112	94.1%
			Out of County Agency	3	2.5%
			Out of State Agency	1	0.8%
			Union Pacific Police Dept.	3	2.5%
			<b>Total Prisoners Booked</b>	<b>30,106</b>	

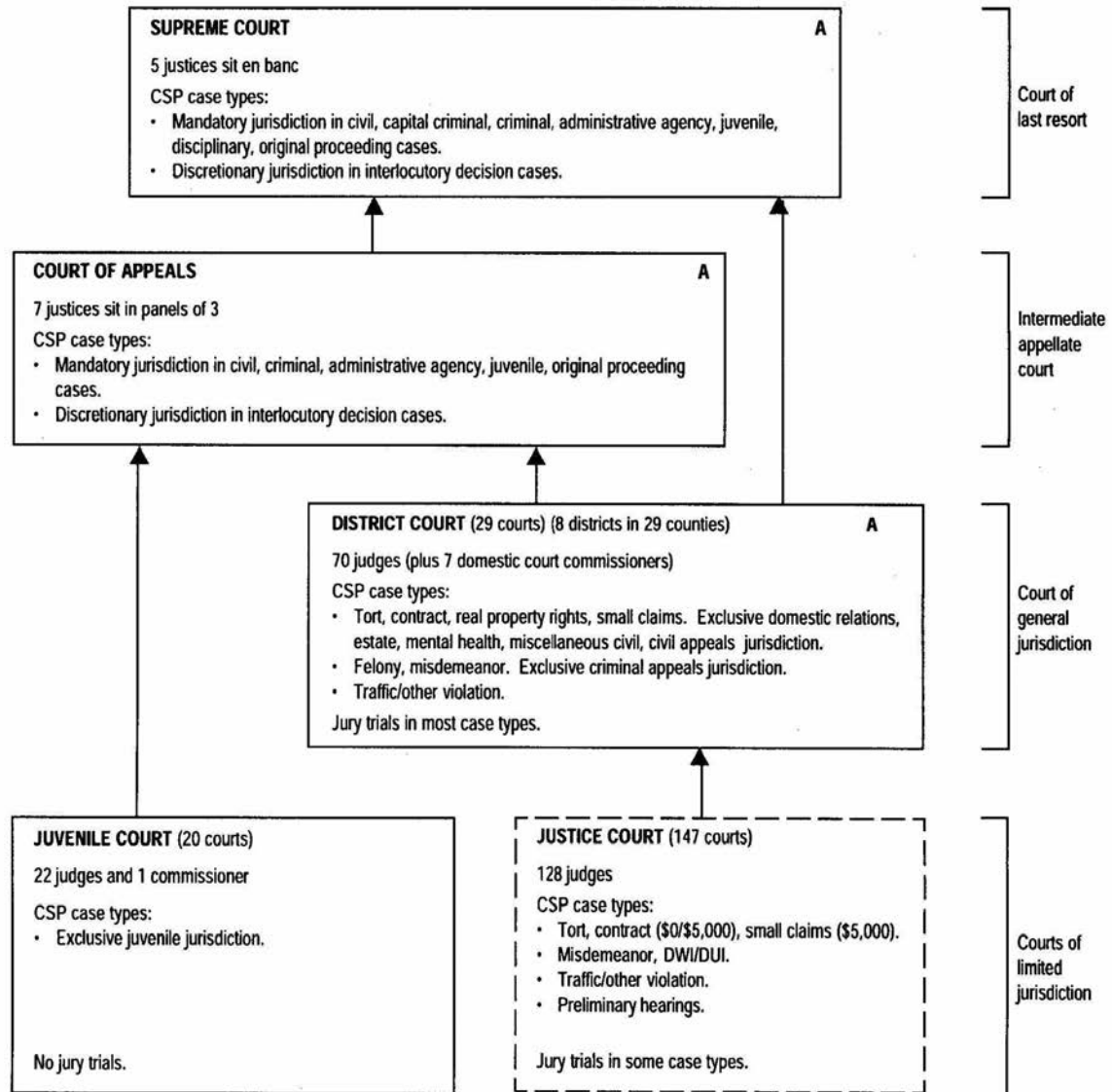


<b>Summary of Jail Admissions Year 2002</b>		
<b>Charges</b>		
<b>Degree of charge</b>	<b>#</b>	<b>%</b>
Felony 1	1,557	1.5%
Felony 2	6,158	5.9%
Felony 3	11,806	11.4%
Felony - Other	29	0.0%
Misdemeanor A	7,860	7.6%
Misdemeanor B	57,582	55.5%
Misdemeanor C	15,693	15.1%
Misdemeanor -Other	3,082	3.0%
<b>Totals</b>	<b>103,767</b>	<b>100.0%</b>
<b>Special Interest Charges</b>		
<b>#</b>	<b>%</b>	
Homicide	127	0.1%
Assault on Peace Officer	530	0.5%
Domestic Violence	4,140	4.0%
DUI	5,140	43.5%
Prostitution Related	49	0.4%
Child Abuse	679	5.8%
<b>Charge Disposition</b>		
	<b>#</b>	<b>%</b>
Bail Bonding Companies	14,469	13.9%
Book and Release Summons	169	0.2%
Cash	2,570	2.5%
Bail	1,876	73.0%
Fine Paid	694	27.0%
Consent Decree Release	0	0.0%
Conditional Release Pending	0	0.0%
Federal	1,567	1.5%
Immigration	784	50.0%
Other	640	40.8%
United States Marshal	443	28.3%
Intoxication Holds	816	0.8%
Jail Related	32,851	31.5%
Booked In Error	259	0.8%
See Bench Warrant	4,414	13.4%
See Commitment	13,426	40.9%
See Warrant of Arrest	14,617	44.5%
Served In Error	137	0.4%
Legal Defenders	192	0.2%
Order of Release	12,626	12.1%
Other Final Release	778	0.7%

<b>Overcrowding Release (17-22 UCA)</b>	<b>0</b>	<b>0.0%</b>
<b>Pre-Trial Services</b>	<b>11,900</b>	<b>11.4%</b>
Pre-Trial Own Recognizance (PTR)	5,225	43.9%
Pre-Trial and Bond (PTB)	126	1.1%
Own Recognizance (ORC)	0	0.0%
Pre-Trial Supervised Release (PTS)	3,743	31.5%
Order Release to Pre-Trial Services (ORP)	2,175	18.3%
Day Reporting Center (DRC)	1	0.0%
<b>Programs</b>	<b>180</b>	<b>0.2%</b>
Odyssey House	4	2.2%
Other	176	97.8%
Halfway House	0	0.0%
<b>Prosecution Terminated</b>	<b>11,499</b>	<b>11.0%</b>
Failure to File	11,071	96.3%
No Complaint	388	3.4%
No Probable Cause	32	0.3%
Prosecution Declined	8	0.1%
<b>Released to Other County</b>	<b>1,766</b>	<b>1.7%</b>
<b>Released to Other State</b>	<b>259</b>	<b>0.2%</b>
<b>State Related</b>	<b>2,710</b>	<b>2.6%</b>
Adult Probation and Parole	536	19.8%
Utah State Prison	2174	80.2%
<b>Time Served</b>	<b>9,908</b>	<b>9.5%</b>
<b>Total Charges Dispositioned</b>	<b>104,252</b>	<b>100.0%</b>
<b>Total Disciplinary Charges Dispositioned</b>	<b>4,944</b>	
<b>Total Verbal Warnings Issued</b>	<b>5,192</b>	

## APPENDIX F: UTAH COURT STRUCTURE

UTAH COURT STRUCTURE, 1998



## APPENDIX G: “WHAT WORKS”: COMMUNITY CORRECTIONS RESEARCH REFERENCES

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## INTERVIEWS

The Honorable Peggy Acomb, Justice Court Judge, Salt Lake County Justice Court  
Patrick Anderson, Legal Defender's Association  
The Honorable Judge William Barrett, Third District Court  
The Honorable Judge John Baxter, Salt Lake City Justice Court  
Pat S. Berckman, L.C.S.W., Director, Division of Youth Services  
David Biggs, Assistant Director, Legal Defender's Association  
The Honorable Judge William B. Bohling, Mental Health Court  
Dave Brenna, Director, Salt Lake County Mental Health  
Chief Ron Bullock, Assistant Chief of Police, Sandy Police Department  
Cliff Butter, Information Supervisor, Department of Corrections  
Chief Jerry Campbell, Justice Division Administrator, Office of the District Attorney  
Jay Carey, Court Administrator, Sandy City Justice Court  
Jeff Carr, Undersheriff, Salt Lake County Sheriff's Office  
Richard Church, Lieutenant, Salt Lake County Sheriff's Office  
Chief Deputy Paul Cunningham, Salt Lake County Sheriff's Office  
Gary K. Dalton, Director, Criminal Justice Services Division  
Tim Davis, Officer, Salt Lake County Sheriff/Jail Support Division  
Merrilyn Diaz, Salt Lake Legal Defenders Office  
Chief Rick Dinse, Chief of Police, Salt Lake City Police Department  
Matt Dixon, Court Administrator, South Salt Lake City Justice Court  
Patrick J. Fleming, MPA, LSAC, Director, Division of Substance Abuse  
Scott Folsom, Assistant Chief of Police, Salt Lake City Police Department  
Gregory J. Folta, Deputy County Auditor, Salt Lake County Auditor's Office  
Patty Fox, Probation Manager, Probation Services  
The Honorable Judge Dennis M. Fuchs, Salt Lake County Drug Court  
Peggy Gentles, Court Executive, Third District Court  
Sim Gill, Prosecutor, Salt Lake City Prosecutor's Office  
Ron Gordon, Director, Utah Sentencing Commission  
Diane D. Grambow, Salt Lake Legal Defender Association  
The Honorable Judge Shauna Graves-Robertson, Presiding Judge, Salt Lake County Justice Court  
Kele Griffoni, Internal Services Manager/Data Collection, Criminal Justice Services Division  
John Hill, Director, Legal Defender's Association  
John Huber, Prosecutor, West Valley Municipal Court  
S. Dennis Hunter, Pre-Trial Services  
Herb Katz, Court Administrator, West Valley Justice Court  
Sheriff Aaron D. Kennard, Salt Lake County Sheriff's Office  
Chris Kirkman, Jail Screening Unit  
Betty J. Langeberg, Court Administrator, Salt Lake County Justice Court  
Craig Ludwig, Clerk of Court, Third District Court  
Amy J. McCormick, Staff Auditor, Salt Lake County Auditor's Office  
Edward McConkie, Executive Director, Utah Commission on Criminal and Juvenile Justice  
The Honorable Judge Brendan McCullagh, West Valley Justice Court

Darren McGrath, Sergeant, Salt Lake County Jail  
Van Midgley, Prosecutor, Sandy City Municipal Court  
B. Kent Morgan, Assistant Justice Division Administrator, Office of the District Attorney  
Brian Nelson, Management Analyst, Administrative Office of the Courts, State of Utah  
Candace Nenow, Program Manager, Court and Treatment Services  
The Honorable Judge Sandra Pueller, Presiding Judge, Third District Court  
The Honorable Judge Robin W. Reese, Third District Court  
The Honorable Judge John L. Sandberg, President, Utah Justice Court Judges Association  
Craig B. Sorensen, Auditor, Salt Lake County Auditor's Office  
Matt Sorensen, Criminal Manager, Salt Lake City Justice Court  
Officer David Sperry, Salt Lake County Sheriff/Jail Support Division  
Kerry Steadman, Director, Department of Human Services  
Toni Sutliff, Court Administrator, Salt Lake County Justice Court  
April Townsend, Associate Director, Department of Human Services  
Raymond H. Wahl, Juvenile Court Administrator, Administrative Office of the Courts  
Tim Whalen, Acting Co-Director, Salt Lake County Substance Abuse  
The Honorable Judge Susan Weidauer, Sandy City Justice Court  
Mayor Nancy Workman, Salt Lake County  
David Yocom, District Attorney, Salt Lake County District Attorney's Office  
Jason Yocom, Council Assistant, Salt Lake County Council

## ABBREVIATIONS

AFIS (Automated Fingerprint Identification)

AP&P (Adult Probation and Parole)

AIMS (Attorney Information Management System)

AMC (Adult Mediation Center)

AOC (Administrative Office of the Courts)

BCI (State Criminal ID System)

CATS (Drug Treatment Program)

CCJJ (Commissioner on Juvenile Justice)

CIS (Client Information System)

CJAC (Criminal Justice Advisory Council)

COBOL (A programming language developed in the late 1950s and early 1960s and used especially for business applications)

CORIS (Case management system for District Courts and some Justice Courts)

DHS (Department of Human Services DLD  
(Driver's License Division))

DPS (Department of Public Safety)

DUI (Driving Under the Influence)

EM (Electronic Monitoring)

FTA (Failure to Appear)

GPS (Global Positioning System)

ILPP (Institute for Law and Policy Planning)

IS (Information Services)

IMS (Information Management Services)

JMS (Jail Management System)

MDC (Mobile Data Computers)

NCIC (National Crime Information Center)

NIC (National Institute of Corrections)

OTN (Offender Tracking Number)

PSI (Pre-Sentence Report)

PSR (Pre-Sentence Report)

RFP (Request for Proposal)

RMS (Record Management System)

SHED (Sheriff's Home Electronic Detention Program)

SID (State Identification)

SLCPD (Salt Lake County Police Department)

SPLD (Sheriff's Prisoner Labor Detail)

STIC (Sheriff's Office Technology & Information Committee)

UCJIS (Utah Criminal Justice Information System)

UDC (Utah Department of Corrections)

VECC (Valley Emergency Communication Center)

VPN (Virtual Private Network)

WINS (Wireless Integrated Network Sensors)

XML (Extensible Markup Language)

