

**UTAH JUDICIALCOUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

Webex video conferencing
July 8, 2022: 12 pm -2 pm

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Derek Pullan, <i>Chair</i>	•		Judge Dennis Fuchs
Judge Augustus Chin	•		Jim Peters
Judge Samuel Chiara	•		Keri Sargent
Judge David Connors		•	Paul Barron
Judge Michelle Heward	•		STAFF:
			Keisa Williams
			Brody Arishita
			Minhvan Brimhall

(1) Welcome and approval of minutes:

Judge Derek Pullan welcomed committee members and guests. The committee considered the minutes from the June 3, 2022 meeting. With no changes, Judge Heward moved to approve the minutes as presented. Judge Chin seconded the motion. The motion passed unanimously.

(2) Family Dependency, Mental Health, and Juvenile Drug Court Certification Checklist:

Under Presumed Certification Criteria #37, treatment courts are required to track new arrests, new convictions, and new incarcerations for at least three years following each participant's entry into the program. Judge Fuchs is requesting that Presumed Certification Criteria #37 be moved under the Non-Certification Related Best Practice Standards in the certification checklists for the Family Dependency, Mental Health, and Juvenile Drug Courts. It would remain a requirement for Adult Drug Courts. Adult Drug Courts can meet this criteria, but Mental Health Courts, Juvenile Courts, and Family Drug Courts cannot. In most cases, those courts are not dealing with criminal offenses. The packet includes the Family Dependency checklist only. The proposed amendment to the other checklists is identical.

Judge Heward expressed concern that family recovery court does not deal with arrests and convictions and moving the requirement to another section of the program is not best practice because it does not apply to the program. The proposed language would apply to the juvenile delinquency court but not to the family recovery court. The court does not have national data to suggest that the requirement would meet best practice standards and having it as part of the requirements may not bring the family recovery court into compliance. Judge Heward recommends moving the treatment requirements out of the presumed criteria section and into the recommendation section and that research be conducted to considered best practice standards from a national stand point. Judge Fuchs will make contact with the NCSC for research studies on best practices in the juvenile delinquency court. Judge Pullan noted that tracking recidivism rates of participants would be an important measure. Are juveniles in family recovery court more successful in the future for having participated?

Following further discussion, Judge Heward moved to place item #37 from the Presumed section to the non-certification best practice standard; with the direction that the new problem solving court coordinator research whether this is a national best practice and report back to the Committee and the Council on the best data to

inform the success of these courts. Judge Chin seconded the motion. The motion passed with a three to four vote, with Judge Pullan voting against the motion.

A second motion was made by Judge Chiara to amend the Juvenile Drug Court checklist to include adjudications. Judge Chin seconded the motion. The motion passed unanimously. The certification checklists will go to the Judicial Council for further discussion and approval.

(3) CJA 9-107. Justice court technology, security, and training account.

Following the creation of the Budget and Fiscal Management Committee, the approval process for allocations from the Justice Court Technology, Security and Training Account was modified. The proposed amendments codify a change in practice that was implemented a few years ago and brings the rule into current practice. The rule is ready for approval for a 45-day public comment period.

With no further discussion, Judge Chin moved to send CJA 9-107 to the Judicial Council for approval for a 45-day public comment period. Judge Heward seconded the motion. The motion passed unanimously.

(4) Automatic Expungement (Evictions).

- Automatic expungement order for Evictions
- Standing order (Combined)
- CJA 4-208. Automatic expungement of cases
- CJA 4-403. Electronic signature and signature stamp use
- Correction to automated criminal orders

New code section 78B-6-852, Automatic Expungement of Evictions, went into effect on July 1, 2022 and the code section governing automatic expungements in criminal cases changed during the 2022 session from 77-40-114 to 77-40a-2. The proposed rule amendments account for those changes. Several definitions were removed from rule 4-208 because those terms are not used in the rule. That change is not intended to be substantive.

The process of automatic expungement has already begun in criminal cases on dismissals without prejudice and clean slate cases. Stipulation and conviction cases will be worked on next. Judge Pullan expressed concern with the process by which cases are being identified for automatic expungement in all case types and the need for adequate data in evaluating the error rates and auditing the effectiveness of automated processes.

Following further discussion, Judge Chiara moved to send CJA 4-208 and 4-403 to the Judicial Council for approval for a 45-day public comment period and to recommend the adoption of the automated and standing orders as drafted. Judge Heward seconded the motion. The motion passed with a 3 to 4 vote. Judge Pullan opposed, citing his long-standing philosophical opposition to affixing judicial signatures to automated orders.

(5) Technology report/proposals.

The Policy and Planning Committee is now the Policy, Planning, and Technology Committee (PP&T). The committee is tasked with identifying technological issues and reviewing and prioritizing requests for new or additional technology or support services. Brody Arishita, Director of Information Technology, discussed how requests will be processed before they get to PP&T for consideration.

Ad Hoc Technology Committee:

Before technology proposals or requests are presented to the PP&T committee, they are to be reviewed by a small ad hoc committee to prioritize the level of the request. The requests are routed through the appropriate court

team and Mr. Arishita will coordinate an ad hoc committee meeting to complete the review. By the time the request reaches the PP&T committee for discussion, the ad hoc committee will have completed a detailed analysis of the request. The packet will detail the request, the timeframe needed in which to complete the project, and information regarding funding for the project. Once approved, the ad hoc committee will meet again to review the proposals and make any adjustments as needed.

Policy, Planning, and Technology Request Form:

The new Policy, Planning, and Technology Request Form is designed to streamline the review process, separating requests for rule/policy amendments from technology requests.

The committee did not have concerns regarding Mr. Arishita's proposals or the new request form. The committee recommended a rule amendment reflecting the expanded role of the Policy and Planning Committee and the creation of the Ad Hoc Technology Committee. Mr. Arishita will prepare a rule draft. The committee thanked Mr. Arishita and Ms. Williams for their work in creating a streamlined process and procedure for technology requests.

Old Business/New Business:

This meeting is the final meeting for Judge Heward prior to her retirement as a juvenile court judge.

Adjourn: With no further items for discussion, the meeting adjourned. The next meeting will be held on August 5, 2022 at 12 PM via Webex video conferencing.