

## JUDICIAL COUNCIL MEETING

### AGENDA April 27, 2020

**This meeting will be held through Webex**

***Chief Justice Matthew B. Durrant Presiding***

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. .... Chief Justice Matthew B. Durrant  
(Information)
3. 9:10 a.m. Administrator's Report. .... Judge Mary T. Noonan  
(Information)
4. 9:20 a.m. Reports: Management Committee ..... Chief Justice Matthew B. Durrant  
Budget & Finance Committee ..... Judge Mark May  
Liaison Committee..... Judge Kara Pettit  
Policy & Planning Committee ..... Judge Derek Pullan  
Bar Commission..... Rob Rice, esq.  
(Tab 2 - Information)
5. 9:45 a.m. FY20 Remaining One-Time Budget Requests ..... Judge Mark May  
(Tab 3 - Action) Karl Sweeney
6. 10:00 a.m. Judicial Performance Evaluation Commission Report ..... Dr. Jennifer Yim  
(Information) Commissioner Curtis M. Jensen
7. 10:20 a.m. Board of Justice Court Judges Report..... Judge Rick Romney  
(Information) Jim Peters
8. 10:30 a.m. Proposed Amendments to CJA Rules 3-101, 3-403(3)(A) and (4)(B)(i) and  
9-103 ..... Jim Peters  
(Tab 4 - Action)
- 10:40 a.m. Break
9. 10:50 a.m. Interlocal Agreement Between Springville and Mapleton..... Jim Peters  
(Tab 5 - Action)

10. 11:00 a.m. Uniform Fine & Bail Committee Report ..... Judge David Hamilton  
(Information) Shane Bahr  
Meredith Mannebach
11. 11:10 a.m. District/Justice Court IT Priority Process ..... Shane Bahr  
(Information) Meredith Mannebach
12. 11:30 a.m. Uniform Fine & Bail Schedule ..... Judge David Hamilton  
(Tab 6 - Action) Shane Bahr  
Meredith Mannebach
13. 11:55 a.m. ODR Grant ..... Justice Deno Himonas  
(Tab 7 - Action)
14. 12:05 p.m. Regulatory Reform Grant ..... Justice Deno Himonas  
(Tab 8 - Action) Larissa Lee  
Michael Harmond
- 12:15 p.m. Lunch Break
15. 12:25 p.m. Board of Appellate Court Judges Report ..... Judge David Mortensen  
(Tab 9 - Information) Larissa Lee
16. 12:35 p.m. Racial & Ethics Task Force Recommendations ..... Judge Derek Pullan  
(Tab 10 - Action)
17. 12:55 p.m. COVID-19 Update ..... Judge Mary T. Noonan  
(Action) Chris Palmer
18. 1:10 p.m. Rules 1-204, 1-205, 3-111, 3-406, 4-403, 4-503, 4-905, 10-1-202, and  
Appendix F for Final Approval ..... Keisa Williams  
(Tab 11 - Action)
19. 1:25 p.m. Board of Juvenile Court Judges Recommended Changes to March 21,  
2020 Administrative Order ..... Neira Siaperas  
(Tab 12 – Action)
20. 1:40 p.m. Old Business/New Business ..... All  
(Discussion)
21. 2:00 p.m. Executive Session - There will be an executive session
22. 2:30 p.m. Adjourn

### **Consent Calendar**

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

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| 1. Committee Appointments<br>(Tab 13)                              | Forms Committee – Brent Johnson<br>Education Committee – Tom Langhorne |
| 2. Forms Committee Forms<br>(Tab 14)                               | Brent Johnson  |
| 3. Probation Policies 4.15, 5.5, and 5.6<br>(Tab 15)               | Niera Siaperas   |
| 4. Rules 3-402, 4-411, and 4-202.08 for Public Comment<br>(Tab 16) | Keisa Williams   |





# Tab 1



## Agenda

**JUDICIAL COUNCIL MEETING****Minutes****March 13, 2020****Matheson Courthouse  
Council Room & Webex****450 S. State St.****Salt Lake City, Utah 84111****9:00 a.m. – 1:45 p.m.*****Chief Justice Matthew B. Durrant, Presiding*****Members:**

Chief Justice Matthew B. Durrant, Chair  
 – by Webex  
 Hon. Kate Appleby, Vice Chair  
 Hon. Brian Cannell – by Webex  
 Hon. Augustus Chin  
 Hon. Ryan Evershed – by Webex  
 Hon. Paul Farr  
 Justice Deno Himonas  
 Hon. Mark May  
 Hon. Kara Pettit  
 Hon. Derek Pullan  
 Hon. Brook Sessions – by Webex  
 Hon. Todd Shaughnessy  
 Hon. John Walton – by Webex  
 Rob Rice, esq.

**Excused:**

Hon. Mary T. Noonan  
 Neira Siaperas

**AOC Staff:**

Cathy Dupont  
 Michael Drechsel  
 Heidi Anderson  
 Shane Bahr  
 Todd Eaton  
 Geoff Fattah  
 Kim Free  
 Alisha Johnson  
 Tom Langhorne  
 Larissa Lee – by Webex  
 Bart Olsen  
 Chris Palmer  
 Jim Peters  
 Nini Rich  
 Chris Talbot  
 Jeni Wood

**Guests:**

Travis Erickson, TCE, Seventh District – by Webex  
 Brett Folkman, TCE, First District Court – by Webex  
 Hon. Barry Lawrence, Third District Court  
 Russ Pearson, TCE, Eighth District – by Webex

**1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Due to the recent coronavirus outbreak the Council decided to move their meeting from St. George to Salt Lake City. Judge Kate Appleby noted Bryan Galloway was confirmed to the First District Court and Annette Jan was confirmed to the Third District Juvenile Court. Robert Lund was not confirmed by the Senate for a judicial position.

**Motion:** Judge Appleby moved to approve the February 24, 2020 Council minutes, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

**2. CHAIR’S REPORT: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant briefly discussed his March 12 Administrative Order confirming that the Judiciary has moved to level “red” due to the COVID-19 pandemic. Chief Justice Durrant thanked Judge Mary Noonan, Cathy Dupont, Michael Drechsel and all involved with the session. Chief Justice Durrant appreciated the dedication and remarkable work with the budget recommendations.

**3. ADMINISTRATOR’S REPORT: (Cathy Dupont)**

Cathy Dupont noted the legislative session ended yesterday. Mr. Drechsel will report to the Council later in the meeting. Ms. Dupont reported that the legislature funded a 3% raise for state employees including judges. She also reported that the legislature:

**Approved appropriations – ongoing funds**

\$932,000 Technology Investment  
 \$650,000 IT Developers – Increase IT staff by six  
 \$210,000 OCAP – Hire two dedicated OCAP technical support staff  
 \$92,500 Court Commissioners – Recruit and retain  
 \$72,000 Microsoft Licensing – Upgrade outdated Microsoft software  
 \$54,947 Child-Welfare Mediator (original request \$54,900) – Replace previous one-time funding for a half-time mediator

**Approved appropriations – one-time funds**

\$450,000 West Jordan Courthouse – Replace failing recording equipment

**Budget requests not approved**

Manti Courthouse  
 Self-Help Center Service Expansion – Increase access to attorney staff

**4. COMMITTEE REPORTS:**

**Management Committee Report:**

The work of this committee is reflected in the minutes.

**Ad Hoc Budget & Finance Committee Report:**

Judge Mark May will address the work of the committee later in the meeting.

**Liaison Committee Report:**

Judge Kara Pettit appreciated the work of Mr. Drechsel and others involved with the session. The Liaison Committee will schedule a meeting to debrief after the session and to plan for the interim legislative period. Judge Pettit chairs the Mental Health and Wellness Committee. The legislature approved many mental health budget items.

### **Policy and Planning Committee Report:**

Judge Derek Pullan presented two draft orders regarding automatic expungements as well as proposed amendments to CJA Rule 4-208. Policy & Planning will soon be ready to present the courtroom attire policy to the Council.

The IT Department created a program to identify cases that meet the expungement criteria. Judge Pullan noted there is concern about allowing automatic judicial signatures on expungements. Heidi Anderson said IT must review cases back to the 90's when CORIS was created. The Council discussed options for expungements that might be possible now. Ms. Dupont suggested that we keep Representative Hutchings updated on the process and perhaps request additional time for cases prior to 2012, as they are more difficult to identify. Policy & Planning will continue their work.

Chief Justice Durrant thanked Ms. Anderson, Todd Eaton, and the IT Department for their exceptional efforts in an overwhelming situation and noted the courts are fortunate to have them.

### **Bar Commission Report:**

Herm Olsen sent his regrets for not being able to provide the Council with a Bar report. The Bar cancelled their Spring Convention in St. George. Noting, the coronavirus is new territory for everyone, Rob Rice said many of the 200+ emails Mr. Olsen received supported cancelling the Convention. Mr. Rice noted S.J.R.5 to Amend the Rules of Civil Procedure on Disqualification of a Judge bill did not pass.

## **5. PANDEMIC RESPONSE PLAN: (Cathy Dupont and Chris Palmer)**

Chief Justice Durrant welcomed Ms. Dupont and Chris Palmer. In Judge Noonan's absence, Ms. Dupont has taken the lead on issues relating to the pandemic. Ms. Dupont described events that took place in the courts this week. Judge Noonan attended a remote conference with the Governor's COVID-19 Response Team on Wednesday. Yesterday the Coronavirus Response Team (CRT) met to discuss information received on the virus then held an afternoon meeting with TCEs, Clerks of Court, and the Chief Probation Officers.

The CRT developed a recommendation to the Chief to implement the Pandemic Response Plan level "red." Chief Justice Durrant signed an Administrative Order yesterday regarding operations during the pandemic. There will be another meeting conducted through Webex this afternoon with presiding judges. Ms. Dupont said everyone involved understood this is mission critical to the courts and participated with patience, understanding, and prepared to take on assignments.

Webex has become a very useful tool in light of recent events.

Mr. Palmer is the head of the CRT. He has developed a court wide tracking system to monitor locations that need help to maintain mission critical functions. He is working towards court wide implementation of social distancing. The courts have increased cleaning throughout the courthouses. Additionally, the CRT reviews daily how courts throughout the country are handling the pandemic.

Ms. Dupont noted districts' most immediate tasks will be to meet with community partners, such as prosecutors and jails, to determine an effective method to remain operational. The CRT team will meet weekly and hold regular meetings with TCEs and Clerks of Court. Judge Pullan recommended a statewide standard on jury trials. Judge Appleby reminded the Council that even though a courtroom may only have a limited number of people, those people must pass through security and move through the building, which increases exposure to all. Judge Shaughnessy felt the message from the courts should be that the courts will continue to perform essential functions. Chief Justice Durrant acknowledged the need to promote the safety of court employees and the public, and the need to keep the courts open for essential operations. Judge Appleby believes the Court of Appeals can hold their oral arguments remotely.

Judge Kara Pettit asked if the districts could accommodate staff to work remotely. Judge Mark May felt the final decision should come from the Council, with the input of TCEs and Clerks of Court. Judge Todd Shaughnessy would like basic principles set in place for all courts. Mr. Rice noted many courts in the country continued all jury trials for a month or two. Justice Himonas did not want to continue jury trials but rather segregate jurors. Judge Pullan is concerned about the advantages and disadvantages of a jury trial. Judge Shaughnessy believed these should be addressed on a case-by-case basis.

Chief Justice Durrant said the courts will support resources to IT and would like the Council's thoughts on whether to conduct conferences online. Ms. Anderson can help with an online conference.

**Motion:** Judge Pullan moved to cancel the legislative update. Justice Himonas seconded the motion, and it passed unanimously. Michael Drechsel will prepare and distribute materials consistent with what would have been addressed.

The Council discussed that judicial districts were responding to the Chief's March 12<sup>th</sup> administrative order in different ways in terms of what is or is not an essential operation of the court. In addition, some justice courts were closing because the buildings the local governments were shutting down buildings. The Council discussed preparing a new administrative order that would uniformly identify essential operations for the court. Judge Pullan suggested identifying the essential hearings that can be conducted and reschedule anything that is not mission essential. Chief Justice Durrant felt the more detailed information the Council can provide the better the courts will be able to conduct business. Justice Himonas recommended scheduling the hearings apart from each other to limit exposure.

Justice Himonas recommended a small group review with Chief Justice Durrant an order to convey the message as discussed. Chief Justice Durrant felt an appellate, district, juvenile, and justice court judge be on the group. The Council agreed the order should read "direct to the extent possible" rather than recommend. Judge Farr said some clerks are city employees and must comply with the city requirements. Judge Brook Sessions recommended including contact information for questions in the order. Ms. Dupont suggested the workgroup also include Shane Bahr, Neira Siaperas, Jim Peters, and Larissa Lee. The group will remain immediately following the Council meeting to create details of orders.

Judge Shaughnessy said a message should be sent that if a court employee is ill they should stay home, even if they do not meet all three CDC COVID-19 requirements.

Bart Olsen sent the following message to the TCEs.

We want to address and hopefully alleviate some of the concerns being raised about employees using leave due to the COVID19 outbreak. The judicial branch employs individuals of high caliber and of strong moral integrity. While specific guidance may adjust with circumstances over the coming days, weeks, and months, management is committed to starting from a place of trust in our employees to do the right thing for themselves, their families, their work family, and the community (including the taxpayer). Telecommuting is highly encouraged wherever it is possible and reasonable. Appropriate use of accrued leave (possibly in combination with telecommuting work hours) is also highly encouraged. However, management is also committed to coordinate and find responsible, viable options for employees concerned about low leave balances to ensure no harm to employees due to the COVID19 outbreak. More detailed guidance may be found here.

Shane Bahr reminded the Council that senior judges are at a higher risk due to their age for COVID-19. Judge Shaughnessy said currently sitting judges could assist other courts. Chief Justice Durrant can assign a judge pro tem for any level of courts in Utah. Mr. Bahr recommended presiding judges not make any determinations until after the 3:00 meeting today.

Ms. Anderson said the Education Department has their own resources to conduct online courses/meetings and will not drain IT resources. Chief Justice Durrant recommended holding the conference through video presentations. Mr. Langhorne said Brent Johnson stated the Council has the authority to edit the required hours for personnel.

Chief Justice Durrant thanked Ms. Dupont and Mr. Palmer.

**Motion:** Judge Appleby moved to postpone all court CLE classes and request the Education Department develop an online curriculum so court personnel can still obtain their required education hours. Judge Chin seconded the motion, and it passed unanimously.

## **6. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Barry Lawrence and Shane Bahr)**

Chief Justice Durrant welcomed Judge Barry Lawrence and Shane Bahr. Judge Lawrence requested the Council seek the Board's input on bills that relate to judges. Judge Pettit would like to hold a debriefing with the Board to better determine future procedures. The Board appreciates the communication received from the Council.

### **Board projects**

- Rule changes
- Sup order process
- Established a judicial opinion base consisting of all judge materials
- Updating the district benchbooks
- Creating better materials for new judges

- Revised the practice of alleviating judges signing after commissioners

Chief Justice Durrant thanked Judge Lawrence and Mr. Bahr.

## 7. **LEGISLATIVE UPDATES: (Michael Drechsel)**

Chief Justice Durrant welcomed Michael Drechsel. Chief Justice Durrant noted Mr. Drechsel's efforts during the legislative session "are nothing short of heroic." The legislature approved a 3% COLA increase this year, effective July 1, 2020. Additionally, the Governor approved a \$900,000 target increase for the judiciary.

### **Summary of Bills**

- 255 court-related bills reviewed (155 passed, but only 150 impact the courts)
- 502 bills & substitutes reviewed and responded to
- 510 possible group emails could have been sent, however, 330 were sent in an effort to be more targeted and less burdensome
- 5 email groups of judges
- 50 people on the fiscal team email group (Liaison + administrators + TCE + General Counsel)
- 81 people on the justice court judges email group
- 35 people on the juvenile court judges email group
- 72 people on the district court judges email group
- 16 people on the appellate court judges email group
- 11 meetings held by the Liaison Committee

### **Liaison Committee positions on bills**

19 Bills – support position  
 7 Bills – opposed (none passed)  
 72 Bills – no position  
 4 Bills – tabled  
 399 Bills – not considered

### **Approved appropriations – ongoing funds**

\$932,000 Technology Investment  
 \$650,000 IT Developers – Increase IT staff by six  
 \$210,000 OCAP – Hire two dedicated OCAP technical support staff  
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 \$72,000 Microsoft Licensing – Upgrade outdated Microsoft software  
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### **Approved appropriations – one-time funds**

\$450,000 West Jordan Courthouse – Replace failing recording equipment

### **Budget requests not approved**

Self-Help Center Service Expansion – Increase access to attorney staff





### **Courtroom A/V Upgrades: Heidi Anderson**

The IT Department requested funds for audio upgrades to various Ogden courtrooms. Although DFCM funding may be available in FY 2021 or FY 2022 for this project, there is no alternative funding for this effort for FY 2020.

Alternate funding: None.

Amount requested: \$350,000 one-time funds.

### **Upgrade Courtroom FTR Digital Recording Software: Heidi Anderson**

FTR is the software used for recording court proceedings in courtrooms and some chambers throughout the state. The courts have 167 locations that use the software. At this time, the courts are one full version behind on the software.

Alternate funding: None.

Amount requested: \$257,585 one-time funds.

### **IT Remote Accessories: Heidi Anderson**

The courts have a limited supply of equipment to support remote working and meetings. This request will allow the courts to be more effective virtually for a larger population. Judge May noted this amount could change, depending on the need. The majority of the funds includes additional Webex licenses. Ms. Anderson stated CISCO will allow unlimited Webex licenses free of charge for 90 days then the courts would determine who needs to continue with a 5-year (required) license.

Alternate funding: None.

Amount requested: \$83,000 one-time funds.

### **Learning Management System (LMS) Request: Tom Langhorne**

Procure Learning Management System (LMS) software (two-year contract for 1300 Court employees and 500 justice court clerks: June 30, 2020 - June 30, 2022). The current system, LearningLink is built on Adobe Flash. Adobe Flash will discontinue in December 2020. A two-year contract will allow the Education Department to transfer all Adobe Flash based training to a current, supported format (HTML5) immediately, keeping the on-line training operating. In two years, the Education Department will identify cost savings by replacing/updating/consolidating current management (operating) systems to the LMS system.

Judge Shaughnessy is concerned this is an ongoing financial situation. Mr. Langhorne believed with cost-savings from discontinuing "Certain" and eliminating paid faculty classes would compensate the cost. Kim Free noted the ongoing funds would come from the Education Departments budget. Mr. Langhorne stated if there would be any requests for ongoing funds, the amounts would be minimal.

Alternate funding: The Education Department is awaiting a decision from the Board of Justice Court Judges of a \$15,000 contribution towards the LMS purchase. If not funding occurred, the next best option would be to move the current education library from online training to the intranet.

Amount requested: \$164,000 one-time funds.

**Self-Assessment Temperament Instruments: Tom Langhorne**

The Court Skills Leadership Academy and Middle Management Leadership Academy have produced significant, measurable and specific professional development outcomes over the past several years. Pre and post Academies' attendees' self-assessments of their competency routinely indicate significantly increased skill-based competency levels. These two instruments are very important components of those Academies' curricula and in-class instructional design.

Alternate funding: None.

Amount requested: \$2,000 one-time funds.

**Education Training Equipment: Tom Langhorne**

The OTP system is outdated and will sunset in December 2020. This equipment will be compatible to the new system. This equipment is not required for the LMS to work, but it will enhance process and deliverables.

Alternate funding: None.

Amount requested: \$4,600 one-time funds.

**ADR Request: Nini Rich**

The ADR Department requested funds for an advanced mediation workshop for the committee Chair and ADR Director. Harvard's Negotiation Institute offers the premier mediation training program in the United States. This workshop would enhance the ADR Committee's exposure to cutting-edge ADR training and standards for the resolution of complex disputes as well as influence our ADR Program structure and Utah Mediation Best Practice Guide.

Alternate funding: None.

Amount requested: \$13,186 one-time funds.

**ODR Training Manual: Nini Rich**

The Small Claims ODR Program currently utilizes 5 volunteer ODR facilitators. They need to train additional facilitators as the current facilitators end their volunteer service and to cover potential program expansion. They have a general outline for a manual but it is lacking the specific information and training materials necessary to train new ODR facilitators.

Alternate funding: None.

Amount requested: \$5,000 one-time funds.

**Jury Chairs for Courtrooms 2 & 3 in Brigham City: Brett Folkman**

The current chairs were installed when the building was completed in 1994-95. They are now worn and damaged and need to be replaced. They would be replacing the existing chairs with new chairs and bases that should last another 20 years. They will improve the look of the room and be more comfortable for the jurors that may spend hours or days sitting in them. The

new chairs will also be able to be wiped down with antibacterial wipes to keep them clean and sanitary. The new chairs are a leather like material.

Alternate funding: The First District will use their current expense funds for a portion of the project.

Amount requested: \$15,000 one-time funds.

**Jury Assembly Room Tables/Chairs in West Jordan Courthouse: Chris Talbot**

The furniture that is currently in the jury assembly room was purchased in June 2005. In June 2019 the jury assembly room was remodeled to create a new jury assembly room (twice the size of the old one) to accommodate the increasing number of jury trials, but the old jury assembly room furniture was retained.

There was concern at the Budget & Finance Committee meeting regarding the request. Chris Talbot recommended keeping the amount at the requested \$66,700 and explained the furniture was for a jury assembly room where comfort is important.

Alternate funding: None.

Amount requested: \$66,700 one-time funds.

**Carpet Replacement Ogden Courthouse: Larry Webster**

The Second District – Ogden Courthouse is planning on replacing cubicles and carpet. The bid for the cubicles was more than doubles the anticipated cost. Therefore, the funds that would have been used for the carpet must be used for the cubicles. Remodeling cubicles and carpet together is a cost saving move.

Alternate funding: None.

Amount requested: \$19,650 one-time funds.

**Public Viewing Screen (monitor – no video): Larissa Lee**

Currently, attorneys, parties, and the public have no way of knowing which case is currently being heard in the courtroom. They have to open up both doors, walk inside, and sit down until they can figure it out. This creates an almost constant disruption throughout the day, and results in confusion and anger amongst patrons. The appellate courts would like to install a screen outside the courtroom so that everyone can see exactly where the court is and be able to plan for bathroom breaks, phone calls, and conferencing with clients.

Alternate funding: None.

Amount requested: \$4,000 one-time funds.

**Matheson Conference Room Furniture Replacement: Chris Talbot**

The original 22-year-old conference tables and chairs in our three main conference room spaces are worn and do not provide modern amenities. The existing tables do not have power ports for laptop charging forcing staff to run cables across the walk way to wall outlets. The existing stackable chairs are also not ergonomically designed for sitting through a meeting longer than 30 minutes.

Alternate funding: None.

Amount requested: \$130,500 one-time funds.

**Workforce Bonus: Judge Mary T. Noonan**

The monthly average wage across industries in Utah has increased by 8% over the past two years in response to the steady increase in job growth and the competition that inherently accompanies such circumstances. This has resulted in higher than desired turnover. The overall turnover rate at the Courts continues to hover between 10% and 15%; however, the rate of churn for some job groups and particularly in urban districts is much higher – some at 40% and even higher.

For the past several years, one-time savings have been devoted to IT needs (100% of FY19 year-end one-time savings went to IT). The consequences of delaying this opportunity to emphasize personnel needs would leave the Courts vulnerable to the belief by their most dedicated employees that received past promises to recognize superior performance “when we are able to” were not genuine. Judge Noonan said the performance criteria and distribution formula concepts will be shared with the Council and specifics will be provided to the AOC, IT Department, district, juvenile, and appellate courts to facilitate recommendations.

Alternate funding: None.

Amount requested: \$500,000 one-time funds.

**Attend NADCP All Rise 2020 Court Conference**

The annual National Association of Drug Court Professionals Conference held in Anaheim CA for three days offering multiple courses per hour which cover the spectrum of specialty courts. This conference is the most important conference of the year for the Veterans Court. The training provides an excellent chance for the court personnel to meet with fellow participants and share knowledge and practices that really work and help Veterans.

Alternate funding: None.

Amount requested: \$3,960 one-time funds.

**Matheson Carpet Replacement (Contingent): Chris Talbot**

This request would start the replacement process of the existing +/-250,000 sf (square feet) of carpet in Matheson and resolve safety issues going forward. Facilities would evaluate and replace the areas with the most wear and tear safety issues first. This request will not provide replacement carpet tiles for the entire courthouse, but would provide material for a substantial first phase of up to 180,000 sf. Carpet is expected to last seven years; the Matheson Courthouse carpet has been in place since the building was created approximately 22 years ago.

Alternate funding: Facilities (DFCM) is anticipating providing \$350,000 in Capital Improvement funding in FY 2021 that can be used for purchasing carpet tiles or installation of carpet tiles. DFCM has placed our request sufficiently high on their list that they feel confident it will be approved in the current legislative session. Assuming our FY 2020-year end request for \$400,000 is approved, we can use all of the DFCM FY 2021 Capital Improvement funding of

\$350,000 to install this 120,000 sf of carpet tiles and 60,000 sf of carpet tiles in inventory purchased through DFCM Capital Improvement funding last fiscal year.

Carpet must be ordered no later than April 15.

Amount contingently requested: \$400,000 one-time funds.

**Inventory of PCs (Contingent): Todd Eaton**

Windows 7 support ceased in January 2020. The Courts are currently beginning to replace any laptops or PCs that run Windows 7 with Windows 10. All PCs and laptops running windows 7 will be upgraded by the end of 2020. IT anticipates some older laptops and PCs will not work properly with Windows 10 but has not done enough conversions to Windows 10 to have a firm estimate on the number. Purchasing additional inventory of laptops/PCs is a prudent way to forestall productivity issues that arise from waiting until conversion to order. Further, additional inventory provides flexibility if work-from home alternatives become necessary due to external conditions.

Alternate funding: None.

Amount contingently requested: \$250,000 one-time funds.

**Workforce Bonus Employee Benefits (Contingent): Judge Mary T. Noonan**

Due to the employer benefits cost of 32.04%, an additional \$160,200 was requested to bring the bonus total to \$500,000. The request is for \$160,200 (\$500,000 + 32.04% in employer paid salary related benefits = \$660,200, subtract the \$500,000 request and the balance is \$160,200).

Alternate funding: None.

Amount requested: \$160,200 one-time funds.

Name	Approved/Denied	Amount
Courtroom A/V Upgrades	Approved as presented	\$350,000
Upgrade FTR Digital Recording Software	Approved as presented	\$257,600
IT Remote Accessories	Approved as presented	\$83,000
Learning Management System	Approved with the understanding that any ongoing funds would be paid for by the Education Department	\$164,100
Self-Assessment Materials	Approved as presented	\$2,000
Training Equipment	Approved as presented	\$4,600
ADR Training	Approved as presented	\$13,200

ODR Training Manual	Approved as presented	\$5,000
Jury Chairs for Brigham City Courthouse	Approved as presented	\$15,000
Jury Tables/Chairs for West Jordan Courthouse	Approved as presented	\$66,700
Carpet Replacement Ogden Courthouse	Approved as presented	\$19,650
Public Viewing Screens	Approved as presented	\$4,000
Matheson Café Room and Conference Rooms A/B/C Furniture	Approved as presented	\$130,500
Workforce Bonuses	Approved as presented	\$500,000
Attend NADCP All Rise 2020 Court Conference	Approved as presented	\$3,960
	<b>Total (without contingent) requests</b>	<b>\$1,619,310</b>
Workforce Bonus Employee Benefits (Contingent)	Moved to April	\$160,200
Matheson Carpet Replacement (Contingent)	TBD at a later date	\$400,000
Inventory of PCs (Contingent)	Approved as presented	\$250,000
	<b>Total</b>	<b>\$2,429,510</b>

Judge May recommended moving Inventory of PCs from the contingency category to the other requests category. The Council agreed to move this item.

Chief Justice Durrant thanked Judge May and Ms. Dupont.

**Motion:** Judge May moved to approve the one-time budget requests 1-14 and 17 as identified above, to include the Inventory of PCs request of \$250,000, and to defer until the April Council meeting the employee benefits contingent request, and address the Matheson carpet replacement request by email before April 15, as amended. Justice Himonas seconded the motion, and it passed unanimously.

#### **9. TCE REPORT: (Russ Pearson and Travis Erickson)**

Chief Justice Durrant welcomed Russ Pearson and Travis Erickson. The TCEs are working heavily on the new pandemic level. The TCEs and presiding judges will attend a meeting this afternoon to discuss court operations. Ms. Dupont complimented Mr. Pearson, Chair and Mr. Erickson, Vice Chair along with the other TCEs for their willingness to be proactive and remain calm during this time.

Mr. Pearson reviewed the progress the TCEs have made over the past year, including the creation of a TCE Mission Statement:

*The TCE group promotes an environment of collaboration, fairness, and efficiency, and proactively addresses the administrative needs of the Utah Courts.*

The TCEs are members of 19 statewide committees.

#### **Accomplishments over the past year**

- June of 2019, TCEs made a recommendation to the Judicial Council of how to allocate the \$900,000.00 from the Legislature to the Clerical Staff.
- June of 2019 the TCE group, with the support of the State Court Administrator, now run their monthly meetings.
- TCEs have identified goals that they are working on this fiscal year. The goals include: Develop a more systematic approach to TCE / JTCE Team Organization, implement steps to enhance TCE / JTCE Communication & Transparency, System Review.

#### **Future goals**

- TCEs have established a committee to address retention issues. The Clerks of Court are meeting in March to discuss retention as well. We intend to bring both groups together to see how we can improve retention and hiring practices.
- TCEs are encouraging participating in Phase II of the System Review by awarding Administrative Leave to those who complete the survey. We also look forward to helping implement the findings from Phase II.
- TCEs have been working with IT to determine the number of devices in use throughout the State and find an appropriate number of devices individuals need to perform their work.

Chief Justice Durrant thanked Mr. Pearson and Mr. Erickson.

#### **10. COMPOSITION OF CHILDREN & FAMILY LAW COMMITTEE: (Jim Peters)**

Chief Justice Durrant welcomed Jim Peters. Mr. Peters presented an amendment to CJA Rule 1-205 that would change the committee composition. The committee recommended that Rule 1-205(1)(B)(vi) of the Code of Judicial Administration be revised as follows:

- That subsection (b), which requires that the committee include a Representative appointed by the Speaker of the House, be deleted. Legislation passed last year prohibits legislators from serving on committees like this one. (Subsection (a), which requires that the committee include a Senator appointed by the President of the Senate, can remain for now, as Senator Todd Weiler is currently serving in that role and has obtained permission from the President Adams to continue.)
- That subsection (h), which currently requires that "one mediator" serve on the committee, be changed to "the ADR Program Director or designee" in order to convert the position occupied by Nini Rich from one that is subject to term limits to one that allows her to continue indefinitely.



- And that a new subsection be added to require that the committee include a mental health professional. The committee believes that the perspective of a mental health professional is critical to its work and, as such, needs to be represented on the committee.

The committee requested that the rule change be adopted on an expedited basis, pursuant to Rule 2- 205 of the Code of Judicial Administration, so that the mental health professional can be recruited with the other positions that need to be filled.

Chief Justice Durrant thanked Mr. Peters.

**Motion:** Judge Paul Farr moved to approve the recommended changes to rule 2-205, effective immediately. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

#### **11. CLERICAL TRAINER FOR JUSTICE COURTS: (Jim Peters and Cathy Dupont)**

Chief Justice Durrant welcomed Jim Peters and Cathy Dupont. The purpose of this request is to fund half the cost of a new Justice Court Education Program Coordinator position from April 1, 2020 through June 30, 2020 by approving an additional allocation from the Justice Court Technology, Security and Training Account. There are more than 400 clerks who work in justice courts throughout the state. As with clerks in other court levels, justice court clerks turn-over with some regularity. Unlike clerks in other court levels, new justice court clerk hires have no access to training coordinators to assist with onboarding and ongoing training.

Rob Godfrey's departure from the courts presents an opportunity to create a Justice Court Education Program Coordinator. His position is currently funded as an Education Assistant II. By adding funds from the Justice Court Technology, Security and Training Account, the position could be enhanced to a similar position of the Juvenile Justice Education Program Coordinator. Half the cost of this position would be supplied by Education using funds from the Education Assistant position; the other half would be supplied by the Justice Court Technology, Security and Training Account.

If the Judicial Council does not approve another allocation from the Justice Court Technology, Security and Training Account, this request could be funded using general fund one-time monies instead. Mr. Peters felt the Board would fund this position in the future if need be.

Amount requested: \$15,000 one-time funds.

Chief Justice Durrant thanked Mr. Peters and Ms. Dupont.

**Motion:** Judge Pettit moved to approve a supplemental allocation of one-time funding of \$15,000 from the Justice Court Technology, Security and Training Account for the temporary cost of a justice court trainer, as presented. Judge Chin seconded the motion, and it passed unanimously.

#### **12. OLD BUSINESS / NEW BUSINESS**

Ms. Dupont received an email from Patti Tobias at the National Center for State Courts. The NCSC Phase II survey has been finalized and is ready to be sent to judicial employees. Ms.

Dupont recommended deferring the survey due to the pandemic. The Council agreed to defer sending the survey and readdress it in a couple of months.

Judge Pullan noted Justice Howell doesn't have the memory to assist with the Council's history project. The recommendations of the Racial and Ethnic Task Force was to hire an individual and to form a commission. Judge Pullan would like to address this at the next Council meeting. Dr. Jennifer Yim was the executive director and would be able to provide a considerable amount of information.

**13. EXECUTIVE SESSION**

An executive session was not held.

**14. CONSENT CALENDAR ITEMS**

**a) CIP Grant.** Approved without comment.

**b) H.R. Policy Timeline.** Approved without comment.

**c) Committee Appointments.** Ethics Advisory Committee – appointment of Judge Ryan Harris, appointment of Judge Laura Scott as Chair. Approved without comment.

**15. ADJOURN**

The meeting adjourned.

# Tab 2



## Agenda

**JUDICIAL COUNCIL'S  
MANAGEMENT COMMITTEE**

**Minutes**

**April 14, 2020**

**Meeting held through Webex**

**12:00 p.m. – 3:15 p.m.**

*Chief Justice Matthew B. Durrant, Presiding*

**Committee Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kate Appleby, Vice Chair  
Hon. Paul Farr  
Hon. Mark May  
Hon. Todd Shaughnessy

**Excused:**

**AOC Staff:**

Hon. Mary T. Noonan  
Cathy Dupont  
Michael Drechsel  
Heidi Anderson  
Shane Bahr  
Brent Johnson  
Tom Langhorne  
Larissa Lee  
Meredith Mannebach  
Bart Olsen  
Chris Palmer  
Jim Peters  
Neira Siaperas  
Karl Sweeney  
Jeni Wood

**Guests:**

Hon. David Hamilton, Second District Court  
Justice Deno Himonas, Supreme Court  
Hon. Rick Romney, Provo City Justice Court

**1. WELCOME: (Chief Justice Matthew B. Durrant)**

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. The meeting was conducted through Webex. Chief Justice Durrant and Judge Mary T. Noonan are scheduled to meet with President Stuart Adams and Speaker Brad Wilson later this afternoon.

**Motion:** Judge Paul Farr moved to approve the April 8, 2020 Management Committee meeting minutes, as presented. Judge Kate Appleby seconded the motion, and it passed unanimously.

**2. ADMINISTRATOR'S REPORT: (Judge Mary T. Noonan)**

Judge Noonan said the Board of Appellate Court Judges has not had an opportunity to review the proposed regulatory reform grant therefore this item will be rescheduled to the April 22<sup>nd</sup> meeting.

The length of the special legislative session scheduled to begin this week may continue for 10 days. This is the first time in history a legislative session will meet entirely through virtual means.

The AOC is reviewing the 2008 recession materials to identify the economic challenges that the courts may be faced with during this time and how those situations were handled at that time.

The courts requested \$673,988 of federal CARES Act funding through the Government Office of Management and Budget. The majority of which is electronic expenditures, such as virtual equipment and laptops. Due to anticipated budget cuts the newly created Budget Response Team is considering different options for budget cuts and possible sources of revenue.

**3. UNIFORM FINE & BAIL SCHEDULE: (Judge David Hamilton, Shane Bahr, and Meredith Mannebach)**

The Uniform Fine & Bail Committee approved recommended adjustments to the Fine Schedule based on legislative changes, Wildlife Resources requests, State Parks requests, other requests, and certain changes to SMOT.

The committee further considered reports from Michael Drechsel on legislative changes, specifically HB 206 and HB 485. The committee determined to table the issues related to HB 206 until their May 5<sup>th</sup> meeting; specifically, the issues of fine payments on previously designated mandatory appearance charges and application of pretrial release practices. HB 206 has an effective date of October 1, 2020 thus providing some time to consider the specific issues in greater detail. Consideration of HB 485 required the committee to act now due to its effective date of July 1, 2020. This bill mandates that a security surcharge of \$10 be added to sentences. Judges retain discretion on fines but the surcharge impacts the ultimate distribution of fine related money. It was clear that in order to stay "even", considering the surcharge and its destination, fines would need to be increased by a like sum.

The committee recommended that each fine be increased by \$10, with the exception of statutorily mandated fines. The committee will review the language in the Preamble at their May 5, 2020 meeting.

**Motion:** Judge Appleby moved to send this item to the Judicial Council with a recommendation for an approval, as presented. Judge Farr seconded the motion, and it passed unanimously.

**4. BOARD OF DISTRICT COURT JUDGES: (Judge Christine Johnson and Shane Bahr)**

Judge Christine Johnson was unable to attend. Shane Bahr noted the Board of District Court Judges had no recommendations at this time to the March 21, 2020 Administrative Order.

**5. COMMITTEE APPOINTMENTS: (Brent Johnson and Tom Langhorne)  
Forms Committee**

Brent Johnson noted the Forms Committee was established three years ago and now is faced with six members' terms expiring. The committee recommended the reappointment of all

six members for a second term, with staggered terms: Judge Elizabeth Lindsey and Stuart Ralphs for an additional four years; Randy Dryer (Chair) and Guy Galli for an additional three years; and Judge James Taylor and Mary Westby for an additional two years.

**Motion:** Judge Appleby moved to approve the reappointment of Judge Elizabeth Lindsey and Stuart Ralphs for an additional four years; Randy Dryer (Chair) and Guy Galli for an additional three years; and Judge James Taylor and Mary Westby for an additional two years to the Forms Committee, and to place this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

### **Education Committee**

Tom Langhorne addressed the need for two replacement members. Judge Kimberly Hornak's retirement caused an opening for a juvenile court judge. The Board and Committee recommended Judge Kirk Morgan. Mary Barrientez filled an IT position until her retirement. The Committee recommended John Larsen to fill her vacancy.

**Motion:** Judge Farr moved to approve the appointment of Judge Kirk Morgan and John Larsen to the Education Committee, and to place this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

## **6. INTERLOCAL AGREEMENT BETWEEN SPRINGVILLE AND MAPLETON: (Jim Peters)**

Jim Peters informed the committee that Springville City Justice Court and Mapleton City Justice Court have determined that expanding Springville City Justice Courts territorial jurisdiction to include Mapleton City's boundaries would serve in the best interest of both cities. The decision was based on the following:

- The Springville Justice Court has facilities dedicated solely to the justice court, whereas, Mapleton's justice court shares the same space as its city council chambers.
- Judge Fenstermaker sits as the judge for both Mapleton and Springville. Judge Fenstermaker has expressed a desire to have the two courts combined to allow more flexibility to set hearings and manage both courts.
- Added flexibility for court scheduling will benefit Mapleton and Springville residents. Judge Fenstermaker regularly holds court in Springville on Tuesdays and Wednesdays and in Mapleton on Thursdays. By combining both courts, the court will have more flexibility to work with defendants' schedules.
- Expanding Springville's territorial jurisdiction will allow both cities to combine resources and save money. As part of the proposed territorial expansion, Judge Fenstermaker would still be compensated the same.

Springville requested that the Judicial Council grant its application to expand the Springville Justice Court's territorial jurisdiction to include the boundaries of both Springville City and Mapleton City effective July 1, 2020.

**Motion:** Judge Appleby moved to send this item to the Judicial Council agenda for a determination, as presented. Judge Farr seconded the motion, and it passed unanimously.

**7. BOARD OF JUSTICE COURT JUDGES: (Jim Peters)**

As a result of complications resulting from the pandemic, the Board of Justice Court Judges requested that the Management Committee suspend certain rules in the Code of Judicial Administration.

**Educational Requirements:**

Because the clerks' conference scheduled to be held last month and the justice court judges' conference scheduled to be held this month have both been cancelled, the Board of Justice Court Judges would request that these requirements be suspended for the year ended June 30, 2020. In addition, the Board would request that Rule 3-101(3) be suspended, if necessary, to keep judges in good standing for upcoming retention elections. And finally, the Board would request that Rule 9-103 be suspended so that the Justice Court Administrator need not report judges to the Judicial Conduct Commission for not complying with the educational requirements described below.

Rule 3-403 of the Code of Judicial Administration addresses judicial branch education. Section (3)(A) requires that "[a]ll judges, court commissioners, active senior judges, and active senior justice court judges ... complete 30 hours of pre-approved education annually." Justice court judges and active senior justice court judges are specifically required by Section (3)(B) to attend the annual justice court conference unless excused by the Management Committee for good cause. Section (4)(B)(i) requires that all court staff employed by the justice courts complete 10 hours of approved coursework annually.

**Elections**

Rules 9-101(2) and 9-109(1)(A)(i) of the Code of Judicial Administration govern the elections for Judicial Council, Board and District positions held by justice court judges. Each of these rules requires that elections take place at the annual conference held each spring. Since that conference was cancelled, the Board would propose that these elections take place at the Annual Judicial Conference in September instead. The Board would also ask that those not able to attend the conference be allowed to vote in abstentia. If that conference is at risk of being cancelled as well, the alternative would be to handle elections electronically for everyone – either this month or in September. Either way, these rules need to be amended. If the Management Committee agrees, language will be proposed at next month's meeting for its consideration. If these provisions need to be suspended in the meantime, the Board would make that request as well.

**Requesting Funds from the Justice Court Technology, Security and Training Account**

Rule 9-107(5) of the Code of Judicial Administration requires that applications for funding from the Justice Court Technology, Security and Training Account be received by April 15. The Board would request that, for this year only, the deadline be extended to May 15.



**Motion:** Judge Farr moved to approve the suspension of Rule 3-403(3)(B) to excuse justice court judges from attending the justice court conference. Judge Appleby seconded the motion, and it passed unanimously.

**Motion:** Judge Farr moved to add rules 3-101, 3-403(3)(A) and section (4)(B)(i), and 9-103 to the Judicial Council agenda for consideration of all judicial officers, judicial assistants, and other court employees, as presented. Judge Appleby seconded the motion, and it passed unanimously.

**Motion:** Judge Farr moved to suspend the operation of 9-101(2) and 9-109(1)(A)(i) and forward to Policy and Planning to amend the rule to allow elections to take place at the fall conference and allow elections through electronic means. Judge Appleby seconded the motion, and it passed unanimously.

**Motion:** Judge Appleby moved approve extending the deadline found in Rule 9-107(5) from April 15 to May 15 for this fiscal year, as presented. Judge Farr seconded the motion, and it passed unanimously.

## **8. PROBATION POLICIES 4.15, 5.4, AND 5.5 FOR APPROVAL: (Neira Siaperas)**

The Board of Juvenile Court Judges has proposed revisions of the following policies which are now advanced to the Management Committee for review and consideration.

### **Section 4.15 Probation Responses to Compliant and Noncompliant Behavior**

This policy was last revised July 8, 2016. Updates to this policy are necessary to align with current probation practices regarding the use of tangible incentives and the documentation of incentives and sanctions in CARE.

### **Section 5.4 Handcuffing**

This policy was last updated May 1, 2002. Updates to this policy are necessary to align with current the Probation Officer Safety training, revised incident reporting practices and to clarify the circumstances under which handcuffs may be utilized.

### **Section 5.5 Oleoresin Capsicum (O.C.) Spray**

This policy was last updated September 13, 2006. Updates to this policy are necessary to align with the current OC Spray training now being conducted by the Court Security Director.

**Motion:** Judge Appleby moved to approve revisions to Probation Policy 4.15, as presented and put these on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

**Motion:** Judge Shaughnessy moved to approve revisions to Probation Policy 5.4, as presented and put these on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

**Motion:** Judge Farr moved to approve revisions to Probation Policy 5.5, as presented and put these on the Judicial Council consent calendar. Judge Appleby seconded the motion, and it passed unanimously.

**9. BOARD OF JUVENILE COURT JUDGES: (Judge Mark May and Neira Siaperas)**

Judge Mark May reviewed several recommendations from the Board of Juvenile Court Judges to the March 21, 2020 Administrative Order.

**Recommendations**

**Paragraph 20.** The March 21 order would remain as drafted.

**Paragraph 21.** The March 21 order would remain as drafted.

**Paragraph 22.** For hearings covered under paragraph 20, the parties are encouraged to resolve all matters by written motion. If a matter cannot be resolved by written motion, all hearings shall be held remotely. If a party desires an in-court hearing, a written request must be filed with an explanation as to why such a hearing is necessary and must explain in detail the exigent circumstances requiring an in-court hearing.

**Paragraph 23.** Any other hearing, matter or request, not covered in paragraph 20, may be heard by the court, either: (a) on the court's own motion; or (b) by written petition or motion submitted to the court. The courts and parties are encouraged to resolve all matters by written motion. For any matter covered under this paragraph, if a party desires either a remote hearing or an in-court hearing, the party must make their request in writing with an explanation as to why such a hearing is necessary and, if an in-court hearing is requested, explain in detail the exigent circumstances requiring an in-court hearing.

**Paragraph 24.** With respect to any court hearings or reports, any persons who provide information to the court shall obtain that information in a manner that is consistent with federal, state, and local law or directives and the policies and procedures of their agency or organization. In the event sufficient information cannot safely be obtained in this manner, the court shall continue that hearing until the information can be safely obtained.

This item will be rescheduled to the Management Committee meeting next week and forwarded to the Supreme Court for consideration as the Administrative Order was signed on behalf of both the Judicial Council and Supreme Court.

**10. BOARD OF APPELLATE COURT JUDGES: (Larissa Lee)**

Larissa Lee said the Board has no recommended changes at this time to the March 21, 2020 Administrative Order.

**11. REGULATORY REFORM GRANT: (Larissa Lee)**

This grant was addressed by the Management Committee in February. The committee approved sending this item to the Judicial Council subject to review by the Board of Appellate Court Judges. The Board has not had an opportunity to address this issue, therefore, this item will be addressed at the Management Committee meeting next week.

## **12. ODR GRANT: (Justice Deno Himonas)**

Justice Himonas sought approval for a new grant in the amount of \$185,000 that would enable the court to pay for a full code review, documentation enhancement, ensure compliance with intellectual property and governance requirements, and develop an RFI to identify other states with interest in implementing Utah's code for ODR. Utah Courts will collaborate with the National Center for State Courts to complete the work, which is estimated to take 3-6 months. This project falls within the State Justice Institute's Priority Investment Areas – Self-Represented Litigation. The courts are requesting \$25,000 from PEW Research. The courts are not expected to match the awarded funds with court money. The committee previously questioned who would pay the matching funds needed if the PEW Research funds are not approved. Justice Himonas noted PEW asked the courts to request the matching funds.

This project cannot generate revenue. The courts would be providing the system at no cost to other states, therefore the courts will not be receiving a profit and not competing with the private industry. There were concerns about legal issues and the current workload on the IT Department. Justice Himonas previously noted any state seeking to use this program would cover all costs, including hiring outside IT personnel to provide service.

The funding of the grant would be used for legal fees, pen-test (penetration test to detect external hacking vulnerabilities), and code review. Ms. Anderson would use the IT Department's security assessment employee to assist regarding the pin-test but will not affect the department's time.

## **13. COVID-19 UPDATE: (Judge Mary T. Noonan and Chris Palmer)**

Judge Noonan said the COVID-19 Response Team (team) meets daily and is focusing on technology and the health and safety of court employees. Additionally, the TCEs, Clerks of Court, AOC Directors, and the Team moved their daily meeting to twice a week. The presiding judges have participated three times in these meetings.

The team created a COVID-19 website, created a leave guidance policy, trained managers and employees on new procedures, published a remote IT equipment user guide, created a guideline for careful hiring, created and are maintaining a telecommuting dash board, and created a judicial officer well-being website. The telecommute dashboard and tracker allow the courts to identify which of the more than 1,000 court employees are working in-court, from home or are on other leave. Sixty-five percent of employees in the Judiciary are teleworking full time. Twenty-two percent are teleworking part-time. Only 34 employees are on other leave. Bart Olsen is working on identifying the reason for the 34 employees' being on disaster leave, 28 of which are judicial assistants. Judge Noonan noted Mr. Olsen and Heidi Anderson have been instrumental in the creation and delivery of information and technology.

The IT Department is refurbishing old laptops and has ordered a considerable amount of new laptops to assist those who are telecommuting.

Members of the press have asked to be present in some virtual proceedings. The IT Department is testing a process for the press through Webex. Ms. Lee noted members of the press are identified as "panelists" to allow for viewing of virtual proceedings through Webex.

Chief Justice Durrant noted in the few short weeks of this pandemic the courts have completely transformed how they do business and found this nothing short of extraordinary. Chief Justice Durrant said as the response team members, Heidi Andersons efforts, and the work of the Management Committee and Supreme Court should be praised for their incredible efforts.

Judge Shaughnessy said his judicial assistant, Mandy Acevedo, will leave tomorrow for New York to volunteer with mortuary services. Chief Justice Durrant said that is genuine heroism.

**14. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant reviewed the proposed Judicial Council agenda.

**Motion:** Judge Farr moved to approve the Judicial Council April 27 agenda, as amended to include rules 3-101, 3-403, and 9-103 for amendment. Judge Shaughnessy seconded the motion, and it passed unanimously.

**15. OLD BUSINESS/NEW BUSINESS: (All)**

Judge May said the Budget & Finance Committee will meet on Thursday and expect to have additional funds left over at the end of this fiscal year. Judge Shaughnessy questioned whether the Council should reexamine the previously approved budget items from the March Judicial Council meeting. Judge May said there are excess funds so reexamining the approved budget items should not be necessary. Judge Noonan said this will be further determined by the end of this week.

**16. EXECUTIVE SESSION**

An executive session was not held.

**17. ADJOURN**

The meeting adjourned.

## Agenda

**JUDICIAL COUNCIL'S  
AD HOC BUDGET & FINANCE COMMITTEE**

**Minutes  
April 16, 2020  
Meeting held through Webex  
12:00 p.m. – 1:30 p.m.**

**Members Present:**

Hon. Mark May, Chair  
Hon. Augustus Chin  
Hon. Kara Pettit

**Excused:**

Michael Drechsel

**AOC Staff Present:**

Hon. Mary T. Noonan  
Cathy Dupont  
Heidi Anderson  
Shane Bahr  
Geoff Fattah  
Amanda Herman  
Alisha Johnson  
Tom Langhorne  
Larissa Lee  
Bart Olsen  
Jim Peters  
Nathanael Player  
Clayson Quigley  
Neira Siaperas  
Karl Sweeney  
Jessica Van Buren  
Jeni Wood

**Guests:**

Travis Erickson, TCE Seventh District  
Wendell Roberts, TCE Sixth District  
Larry Webster, TCE Second District

**1. WELCOME & APPROVAL OF MINUTES: (Judge Mark May)**

Judge Mark May welcomed everyone to the meeting. Judge May addressed the minutes from the previous meeting. The budget response team will hold their first meeting tomorrow to address potential budget cuts. There may be special Budget & Finance Committee meetings during these unstable financial times.

Judge Mary T. Noonan noted the funding approved by the Judicial Council may need reconsideration to determine critical issues. Karl Sweeney noted the Remote Accessories (approved for \$83K, was increased to \$150K – the excess funded by the IT Department's operating budget) and Inventory of PCs (\$250K) approved by the Judicial Council have already been purchased.

**Motion** : Judge Augustus Chin moved to approve the March 3, 2020 minutes, as presented. Judge Kara Pettit seconded the motion, and it passed unanimously.

## 2. REVIEW OF PERIOD 9 (MARCH) FINANCIALS: (Karl Sweeney and Alisha Johnson)

Mr. Sweeney noted the FY20 Year-End Surplus Estimates as of Period 9 were as anticipated.

Forecasted Available One-time Funds			
#	Description	Funding Type	Amount
1	Turnover Savings as of pay period ending 4/3/2020	Turnover Savings	3,239,332
2	Turnover Savings Estimate for the rest of fiscal year	Turnover Savings	744,000
3	From TCE / AOC budgets	Internal Savings	546,100
4	Probate Notice Amendments (HB 343, 2020 GS)	Legislative Action	20,500
5	Reserve Balance (from August Judicial Council meeting)	Reserve	150,000
6	Reduction in FY 2020 funds due to FY 2020 legislative session	Legislative Action	(165,000)
7	Potential Year End Career Ladder Expense	Potential Expense	(50,000)
8	Set-aside for use in FY 2021 (carryforward)	Carryforward	(2,500,000)
Total Forecasted Available One-time Funds			\$ 1,984,932
Judicial Council Prioritized / Adopted			\$ (1,856,110)
Remaining Available One-time Funds			\$ 128,822

### 3. **TURNOVER SAVINGS: (Karl Sweeney and Alisha Johnson)**

Current year one-time turnover savings (as of pay period ending March 20, 2020) is \$3,114,869.44, based upon the entirety of the personnel budget (incentives, career ladder, and pay/benefits). Mr. Sweeney reminded the committee when a hiring freeze is in place, turnover savings do not accumulate. Current ongoing turnover savings is \$564,545.98. The courts have used approximately \$321,447.09 of the ongoing career ladder funding of \$400,000.

**4. UPDATED FY 2020 YEAR-END SPENDING PLAN: (Karl Sweeney and Alisha Johnson)**

#	One-time Spending Plan	FY20 Requests	Judicial Council Approvals
One-time Budget Requests		Amount	Amount
1	Courtroom A/V Upgrades (IT)	350,000	350,000
2	Upgrade For the Record (FTR) Digital Recording Software (IT)	257,600	257,600
17	Remote Accessories	83,000	83,000
3	Learning Management System (Education)	164,100	164,100
4	Self-Assessment Materials (Education)	2,000	2,000
5	Training Equipment (Education)	4,600	4,600
6	Alternative Dispute Resolution Training (ADR Committee) CANCELLED	13,200	
7	Online Dispute Resolution Facilitation Training Manual (ADR)	5,000	5,000
8	Jury Chairs for Brigham City (1st District)	15,000	15,000

9	Jury Tables / Chairs for West Jordan (3rd District)	66,700	66,700
10	Carpet Replacement - Ogden Courthouse (2nd District)	19,650	19,650
11	Public Viewing Agenda Monitor (Court of Appeals)	4,000	4,000
12	Matheson Café Room and Conference Room A/B/C Furniture (Facilities)	130,500	130,500
13	Workforce Performance Bonuses (State Court Administrator)	500,000	500,000
14	Nat'l Assoc. Drug Court Prof. Annual Conference (Veteran's Court Team) - CANCELLED	3,960	3,960
16	Inventory of PCs (4/7/2020 deadline) (IT)	250,000	250,000
<b>Total One-time Spending Requests (before Contingent Requests)</b>		<b>1,869,310</b>	<b>1,856,110</b>

<b>Contingent Requests</b>			
13a	Employer Paid Salary Related Costs for Workforce Bonuses (6/26/2020 deadline) (SCA)	160,200	
15	Matheson Carpet Replacement (4/15/2020 deadline) (Facilities)	400,000	
<b>Total Contingent Requests</b>		<b>\$ 560,200</b>	<b>\$ 1,856,110</b>

The committee reviewed the list of previously approved FY 2020 year end spending in light of HJR 301 to limit spending to essential items. Judge May believed conferences are non-essential, even if the cost is reduced due to a virtual conference. Mr. Sweeney felt the Fixed Asset Purchases might not be essential and indicated he would contact all Fixed Asset submitters to determine if purchases could be cancelled without penalty. He also indicated that many of the IT purchases were COVID-19 related and had been purchased and received. Tom Langhorne indicated he would withdraw Education's Self- Assessment Materials request. Judge Noonan had also communicated to Judge May her desire to withdraw the Workforce Performance Bonus request. Online Dispute Resolution Facilitation Training Manual was discussed and Larry Webster said ODR has been operating with about 4-5 volunteer facilitators who expected to be replaced soon. The manual would allow for training additional facilitators and enable the courts to increase ODR coverage throughout the state. Judge Chin said ODR has been beneficial and successful and he would consider this item essential. The committee agreed to reconvene before the Judicial Council meeting on April 27 to reconsider which of the FY 2020 year end spending could be recommended for elimination as non-essential. Judge Noonan said the courts submitted a request to the Governor's Office of Management and Budget for funding through FEMA and the CARES Act that would potentially reimburse the Courts for up to \$685,000 of expenditures.

**5. HJR 301 JOINT RESOLUTION URGING FISCAL RESPONSIBILITY: (Karl Sweeney)**

Judge Noonan noted the special legislative convened today urging agencies to be cautious with purchases of non-critical items for the remainder of this fiscal year and next fiscal year.

**6. FY21 CARRYFORWARD AND FY22 BUDGET REQUESTS: (Travis Erickson, Geoff Fattah, Tom Langhorne, Nathanael Player, and Jessica Van Buren)**

**Education - Court Skills and Leadership Academy: Tom Langhorne**

In 2015, 2016, 2018 and 2020, the first, second, third and fourth "Middle Management Leadership Academies" were delivered. This request will deliver a fifth round of the "Middle Management Leadership Academy" in 2021. Mr. Langhorne said the amount could decrease if held virtual, however, it is unknown at this point if that will be required in 2021.

1. Middle Management Leadership Academy	\$13,500
2. Court Skills Academy	<u>\$12,000</u>

Total Carry Forward Amount Requested: **\$25,500**

Alternate funding: None.

Amount requested: \$25,500.

**Seventh District - Castle Dale Enhancements:** Travis Erickson

Castle Dale / Emery County Courthouse Enhancements:

- \$22,000 to purchase and install an x-ray machine the building has historically relied on hand searches and walk through magnetometer units.
- \$3,000 to make security enhancements to the clerk's front counter.
- \$3,000 to improve the staff evacuation pathway.

Alternate funding: Neither the County nor the district has sufficient funding to complete this project. Chris Talbot indicated these projects could be added to the DFCM FY 22 Capital Improvements requests though approval is far from certain.

Amount requested: \$28,000

Travis Erickson indicated that between the Moan and Castle Dale projects, the Moab project was more essential to court operations.

**Seventh District - Moab Courthouse Improvements:** Travis Erickson

Courtroom Modernization:

- \$5,000 to redesign judge's bench in courtroom 2 to allow for computer use during court.
- \$5,000 to redesign clerk's station in courtroom 2 for better computer use during court.
- \$2,000 to purchase updated podiums for each courtroom.

Alternate funding: Neither the County nor the district has sufficient funding to complete this project. Chris Talbot indicated these projects could be added to the DFCM FY 22 Capital Improvements requests though approval is far from certain.

Amount requested: \$12,000

**Divorce Education for Children - Teen Website Grant:** Geoff Fattah

The Bar Foundation supplied the Divorce Education for Children Program \$20,000 to develop an educational website for teens experiencing parental separation. Attempts to develop this website have been delayed due to staff turnover. However, we believe we are ready to begin development in FY2021.

Alternate funding: The grant provides the funds and this request is merely to carryforward the grant monies into FY 2021. If not used, the grant monies will be returned to the Bar Foundation. Not spending these funds will not increase cash available to the State.

Amount requested: \$18,000

**Self Help Center – Full-Time Attorneys:** Jessica Van Buren and Nathanael Player

This funding request has two related components. The Self-Help Center (SHC) requests:

1. Provide ongoing permanent funding to continue full time status for the 5 Self-Help Center staff attorneys;



2. If permanent funds are not available, provide one-time funds to allow the Self-Help Center to continue to operate full time for one more year.

Alternate funding: None.

Amount requested: \$109,791

The committee discussed this request as being essential especially in light of increased needs from the public to handle evictions and other COVID-19 related issues.

Heidi Anderson anticipated requesting additional funding. Judge May indicated that the Committee should rank the FY 2021 carryforward requests for Judicial Council consideration. The primary reason the Committee did not rank the FY 2020 year end spending requests was due to the amount of funds available exceeding the requests to use these funds.

Cathy Dupont noted Geoff Fattah needs to know immediately if the courts will pay \$3,350 for an article for Law Day, which is 50% of the total cost with the State Bar covering the remainder.

**Motion** : Judge Augustus Chin moved to approve the payment of \$3,350 from Mr. Fattah's budget and surplus funding for an article for Law Day. Judge Kara Pettit seconded the motion, and it passed unanimously.

**7. FY20 YTD FILINGS & REFERRALS: (Clayson Quigley)**

District courts have seen a 2% decrease in divorce/annulment filings and a decrease in general civil cases due largely to decreases in debt collection cases. Evictions have increased by 3% and judgments have increased due to increases in tax liens.

Juvenile court referrals, felonies, misdemeanors, and infractions have increased. Child-welfare decreased in every district except the Sixth and Seventh.

There is a 20% decrease in small claims in justice courts due to the government small claims being cut in half. Misdemeanor DUIs and infractions have increased in justice courts.

**8. OLD BUSINESS/NEW BUSINESS: (All)**

The committee will meet next Thursday, April 23 at 12:00 p.m.

**9. ADJOURN**

The meeting adjourned at 1:25 p.m.

# Agenda

## UTAH JUDICIAL COUNCIL POLICY AND PLANNING COMMITTEE MEETING MINUTES

Board Room (N21), Matheson Courthouse  
450 South State Street, Salt Lake City, Utah 84114  
March 6, 2020 - 10 a.m. – 12 p.m.

**DRAFT**

### MEMBERS:

#### PRESENT

#### EXCUSED

Judge Derek Pullan, <i>Chair</i>	•	
Judge Brian Cannell – by phone	•	
Judge Augustus Chin	•	
Judge Ryan Evershed	•	
Judge John Walton – by phone	•	
Mr. Rob Rice	•	

### GUESTS:

Chris Palmer  
Bart Olsen  
Brent Johnson  
Heidi Anderson  
Paul Barron

### STAFF:

Keisa Williams  
Minhvan Brimhall (recording secretary)

### (1) WELCOME AND APPROVAL OF MINUTES

Judge Pullan welcomed the committee to the meeting. The committee considered the minutes from the February 9, 2019 meeting. On the bottom of page 2 under “Administration of the Judiciary,” the second sentence was amended to read, “The Supreme Court has the authority to manage the *appellate* process....” With no additional changes, Judge Chin moved to approve the draft minutes. Rob Rice seconded the motion. The motion passed unanimously.

### (2) 4-411. COURTHOUSE ATTIRE

The meeting packet includes four different versions of CJA 4-411. Judge Pullan: About a year ago, Policy and Planning undertook an effort to try and define what court employees could and could not wear to work, and in doing so, ended up with a 75-page policy manual with countless pictures and descriptions of clothing. The original version of 4-411 attempted to do that again by defining what court patrons can and cannot wear to court. We have less control over court patrons than we do court employees. In an effort to be concise, we ended up with a near nakedness standard in 4-411 that has been very controversial with trial court judges.

Judge Pullan: I am proposing a version that eliminates the minimum standard in subsection (2) of the original draft. The word “solely” in subsection (1)(a) sets the standard with clear, limited exceptions for security threats and courtroom integrity. It also distinguishes between courthouse and courtroom as suggested by Judge Lawrence. This version requires that all *courtroom* access decisions be made by a judicial officer on a cases-by-case basis, removing bailiff discretion. Bailiffs’ authority extends to the security of the *courthouse*. Subsection (3) requires judicial officers to make specific findings on the record if they deny access to a courtroom due to disruption, prejudice, or safety. That should discourage bad behavior. Subsection (4) makes it clear that any existing orders regarding courthouse attire that are contrary to this rule are rescinded.

In discussing the Sixth Amendment, the Harvard Law Review article states, “This Part does not undertake to spell out what clothing can and cannot be banned in any particular context. Indeed it is the core claim of this Note that

this decision must necessarily be made in the courtroom, by the judge who knows or has the opportunity to learn all the relevant facts (such as the subject matter of the case, the presence or absence of a jury, or any disruption that results) and not by an outside party who doesn't." If the Committee thinks a minimum standard is necessary, I like the article's note: "States of dress (or, more to the point, undress) that are not legal on the streets outside the courthouse need not be permitted inside it ." That might be a better way to talk about it. States of undress that are not permitted by Utah law are not permitted in the courthouse.

Judge Chin: I agree that attempting to police specific attire is not wise and the minimum standard language should be deleted, leaving the decision clearly within the discretion of the judicial officer. I appreciate the fact that it provides a means by which the judicial officer can then explain, on the record, their rationale behind the specific order. Judge Pullan: I am on my 17<sup>th</sup> year on the bench and in all that time I don't think I've ever asked someone to leave the courtroom based on what they were wearing. I'm just happy that they showed up and I don't think I'm alone in that.

Judge Walton: I like allowing for judicial discretion with a ruling on the record, requiring them to make a finding that something is disruptive. In (1)(b), I recommend changing "judicial officer includes", to "judicial officer is defined as..," making it clear that judicial officers are the only people authorized to make those decisions.

Judge Cannell: I am supportive of the rule. My concern has to do with what instructions we are giving patrons regarding attire. For example, the Judicial Assistants (JAs) in our court are getting calls daily from unrepresented individuals who don't know what to wear to court. When we take down signs at the courthouse and strike all contrary language from the website, what do our JAs say that is consistent with the rule and that can be helpful to individuals making those calls? I recommend replacing the language on the court's website with something consistent with the rule. The JAs could refer to that language when answering questions. I can address that at the Judicial Council meeting.

Judge Evershed: I like this more simplified version. It provides clear instructions about what is and is not allowed and requires judges to own their decisions. Mr. Rice: I think it strikes the right balance. I am okay with eliminating the minimum standard language. A previous draft referenced breastfeeding which is already addressed in statute so there is law on that point. It only needs to be mentioned if it is an issue on the ground. After further discussion, the Committee determined that a statement regarding breastfeeding isn't necessary.

Mr. Rice moved to approve the draft of CJA 4-411 as amended, and to recommend that the Judicial Council send it out for public comment. Judge Cannell seconded the motion. The motion passed unanimously.

### **(3) RULES BACK FROM PUBLIC COMMENT**

- 1-204. Executive Committees
- 1-205. Standing And Ad Hoc Committees
- 3-111. Performance Evaluation Of Active Senior Judges And Court Commissioners
- 3-406. Budget And Fiscal Management Committee
- 4-403. Electronic Signature And Signature Stamp Use
- 4-503. Mandatory Electronic Filing
- 4-905. Restraint of Minors in Juvenile Court
- 10-1-102. Verifying Use of Jury
- App. F. Records Retention Schedule

Ms. Williams: After a 45-day comment period, we received only one comment. It was a question about removing the OCAP member from two committees in CJA 1-205. The question was about why the OCAP Committee was abolished and whether the OCAP interviews and forms would still be available. The OCAP Committee was a statutory creation and the legislature eliminated it. There is still an OCAP working group. They meet regularly to discuss the OCAP system and interview forms. The Self-represented Parties Committee was okay with removing the

OCAP member from the rule because one of their other members is on the OCAP working group. Judge Pullan asked Ms. Williams to reach out to the individual who left the public comment to explain.

Ms. Williams: There is a last minute change to CJA 1-205. The Uniform Fine and Bail Schedule Committee asked that the juvenile court judge be removed, and another justice court judge added so that district and justice court judges would be equally represented. I forgot to add it when the rules went out for comment. The Committee determined that the amendment to the membership of the Uniform Fine and Bail Schedule Committee did not need to go back out for public comment.

Judge Chin moved to recommend that the Judicial Council approve all of the rules as final. Judge Evershed seconded the motion. The motion passed unanimously.

#### **(4) 4-208. AUTOMATIC EXPUNGEMENTS**

Ms. Williams distributed a draft expungement rule, CJA 4-208, and a draft standing order. Draft expungement orders were included in the packet. The orders would be generated by the system with judges' signatures automatically affixed and sent to BCI, prosecutors, and others automatically without review.

Mr. Johnson: This is happening quickly because deadlines are approaching. The background is that the bill was enacted last year. At the time, we expressed concerns about it because of its automatic nature and judicial involvement. But BCI said that in order to expunge records for federal purposes, they must have an order signed by a judge. I do not like the idea of automatically affixing judicial signatures to orders, but we seem to have reached that point. If we're going to do it, we need a process in place that provides presiding judges with a certain level of confidence that the right records will be expunged at the correct time.

In the automated expungement orders, judges would be making findings without ever reviewing the order. That's problematic. The Presiding Officer of the Judicial Council (Chief Justice), pursuant to statute, has the authority to assign judges in courts of records to courts in another jurisdiction. The rule would need to start with the Chief authorizing presiding judges (PJs) to hear these cases for both district and justice courts. One of the issues is that the statute requires that those orders include finite durations, so the Chief Justice would be required to conduct regular reviews. Presiding judges would appoint district court judges to order expungements. Presiding judges would authorize the AOC to develop a program (master model) where fact finding is given to someone else - a program that identifies cases meeting the factual criteria. The program would have to be approved by the Judicial Council in order to create a comfort level for judges that what is being kicked out of the system is factually reliable. Once it gets to that point, PJs can then authorize the AOC to automatically affix their signatures to the expungement orders. That is the closest process we could identify that would provide some trust in what is ultimately kicked out in the end.

Judge Pullan: The camel's nose in this tent was Rule 109. Now the camel's head is in the tent. One assurance we talked about is that these authorizations would be in a rule of procedure rather than an administrative rule. That is the direction we took with Rule 109. Mr. Johnson: Everything I described will be reflected in a rule of procedure. The only thing that won't be in the rules of procedure are the orders themselves. The criteria for those orders and the entire process leading up to those orders would be in the rule. The rule will reflect the substance of what is happening. Judge Pullan: Constitutionally, the Court has the authority to govern the practice of law and rules of procedure. If the Chief and the Court decide to approve this process then I have more comfort with it.

Mr. Johnson: One of the good things about Rule 109 is that the form itself was approved by the Council and everybody knows what that form looks like. I think it would be helpful to bring the Council into this process to approve the programming and what is kicked out. Judge Pullan: The expungement orders need to reflect what is actually happening, rather than state that the court is making findings.

Mr. Johnson: The rule and the orders need more work and should probably be discussed at your next meeting. We will miss the deadline, but that work has to happen. Ms. Anderson: If we need more time, we need to go back to

the sponsor of the legislation, explain the challenges, and set that expectation. And that conversation needs to happen soon.

Judge Pullan: Is there a way to monitor the programming for any kind of error rate? Ms. Anderson: Right now we are testing acquittals and dismissals with prejudice. We built business logic and are sending those files to BCI for a more thorough vetting process. BCI is going through the files and ensuring there is nothing in the file that shouldn't be there. They will let us know whether our programming meets their standards. Prior to go-live, we have discussed also programming a process wherein the court can take a second look, and not just rely on BCI's review. We would create a second file and ask judges or the Council to conduct an audit. I would welcome anyone testing and validation of our system to ensure what we pull is accurate. Our system is set up to err on the side of caution. If we can't explicitly identify a person and a case it gets kicked out. We anticipate that clean slate expungements will be more difficult and many of those cases will be kicked out of the process. The records kicked out of the system would not be automatically expunged and would require a manual review. Defendants in that group can be told to go to BCI to have their records expunged. It is not ideal but it's better to err on the side of caution. The original legislation required the court to notify individuals who were expungement eligible but we don't have a way to make that determination. Prosecutors and BCI would need to make that determination.

Judge Pullan: This is a result of the over-criminalization of conduct in our society. We have created the expungement process to eliminate criminal convictions to say that we didn't mean it in the first place and now because of high volumes we are eliminating the need for judicial eyes on every one of those cases. That is backward.

Ms. Anderson: We are happy to produce any information about the tech we are building. Judge Pullan: We need to monitor error rates to achieve a high degree of confidence. The quality of BCI data may be a weakness. Ms. Anderson: BCI was provided enough funding from the legislature to cover the expenses associated with conducting reviews. The court was not.

Judge Pullan: This is a policy decision that the Council needs to weigh in on. I will report to the Council at the March meeting.

#### **(5) 4-206. EXHIBITS**

Mr. Palmer: I am leading efforts to alter how we hold onto and dispose of items of physical evidence versus exhibits. We had three meetings with the clerks of court, TCE's and others who use this rule on a regular basis. This is a first draft for your review. We recently had questions regarding IT-type issues. The planning committee intended to draft these procedures in a way that didn't require changes to CORIS or CARE, but we anticipate changes in the future.

The group really focused on substantive portions of the rule regarding how we handle issues like marking and storage. We excluded sensitive law enforcement items requiring chain of custody which made it a little easier because there is no need to address storing those the items under lock and key or using sign in/sign out sheets. This is just for exhibits and the exhibit book - things that will be accepted into the record. The discussions also focused on implementation across all districts. The intent is that this will be a unifying rule.

Judge Pullan: My initial concern is that (1)(B) is essentially a rule of civil procedure. When we place obligations on a party and then bury it in an administrative rule no one ever complies with the rule because no one knows about it. I am also concerned that (1)(B) conflicts with final pretrial disclosures under Rule 26, where parties are already obligated within 28 days of trial to share all exhibits they intend to offer at trial. In practice that has always been included in the exhibit list. I'm not saying this is a bad idea but if we are going to do it then it ought to be in the rules of civil procedure. I recommend striking (1)(B).

(2)(B) talks about exhibits other than those described in (2)(A) which will be retained by counsel, and that are bulky or sensitive in some way. Why is digital storage media included in that group? In a case with close to 400 exhibits, we should be able to hang on to a thumb drive for example. Mr. Palmer: We were thinking about hard drives, laptops, or other bulky items entered as physical evidence. That subsection wasn't meant to prevent the retention of evidence on a disk or thumb drive. Judge Pullan: That ought to be clarified in the rule and should be in (2)(A). Judge Walton: But that's not an exhibit, it would be the judge's courtesy copy of an exhibit. Mr. Palmer: We can re-write this to better delineate between copies of evidence on digital media storage versus originals, and make it clear that (2)(B) is intended to apply to bulky items. We won't take originals, we will take copies.

Judge Pullan: At the end of a day in trial, the clerk will say "I'm taking these exhibits," and will then log them into evidence and put them in storage. The next day, the clerk will pull them out of storage and log that into a minute entry. We need a way to do this in CORIS. Mr. Palmer: Correct. We will be looking into fixing that in the future.

Judge Pullan: In (3)(A), the rule says that anytime I want look at a trial exhibit I need to go get it out of evidence. I can't keep it in my office overnight. I have to turn it back in every night. The practical effect of this is to say every party in every case has to provide courtesy copies to the court. Otherwise this will be burdensome. Mr. Palmer: Before the audit, the court held on to physical evidence like guns, cocaine, a door with bullet holes in it, etc. The clerks on the planning committee described some of the processes in place prior to the audit. For example, a judge would say, "I'm taking the case under advisement," and would then take all of the exhibits from the exhibit manager and keep them in their office. Clerks would consider an email from the judge to that effect to be an order of the court and they would just make a minute entry. Because we're not taking law enforcement items that require chain of custody, we can include language in the rule that says the court could retain certain items in other areas of the courthouse like the judge's chambers. The portion of the rule discussing secured storage allows some discretion like putting certain exhibits in a locked office or desk drawer.

Judge Pullan: How closely do we want our processes to look like an exhibit room? If that's case, the judge's order should be in the docket. Mr. Palmer: Clerks said they would capture the email in the file but an entry should be in the minutes or in the docket. Judges across the state are doing things differently. We tried to draft the rule in a way that would work across the board. Ultimately, we just need to know where this stuff is. Judge Chin: The minute entry acknowledges the order, even if there's no email in the record. Mr. Palmer: Once the audit process is complete, we will be auditing ourselves to ensure we are in compliance with the rule. Judge Pullan: I recommend that an order be created and captured in the docket. Example: I hear a trial in 3 hours, I have a bunch of original exhibits and no one's made any copies for me, I take the case under advisement and go back to my office with the original exhibits, I look at them for 45 minutes and then come out and make my ruling. Am I in violation of the rule? Judge Chin: You aren't retaining them over an extended period of time. It's temporary to facilitate your review and ruling. The rule seems to contemplate a more extended period.

Judge Pullan: Another issue is that many times I'm reviewing a case at 10:00 pm and my clerk has left for the day. I have the original exhibits in my office and I'm going to issue a ruling in the morning via telephone conference. Mr. Palmer: Once the item is in your possession, it is in your possession until you give it back. However you choose to store it is up to you as long as it meets the secure storage requirements. Judge Pullan: Temporary storage has to include a locked chamber door. Judge Chin: What happens when a cleaning crew needs to unlock a judge's chambers to clean? Offices aren't necessarily secure.

Mr. Palmer: 2(C) allows for storage in a temporary location for less than 72 hours as long as the location is sufficient to prevent access by unauthorized persons and secured via a key lock. Judge Chin: That would require that the judge have a separate file drawer with a key, with the judge being the only person with access for the temporary duration. (2)(E) was deleted for some reason and needs to be put back in the rule. Judge Pullan: The feedback for the planning committee is to think about what this means for a judge who has to decide cases every day. Can we draft this in a way that makes sense from a practical standpoint? Judge Chin: You should consider situations in which the only secure storage location is a judge's chambers, and whether and how you can prohibit entry into the chambers for a certain period of time. Judge Pullan: It won't look the same for all locations. Provo

is very secure but it may not be the same in Monticello. We are headed in the right direction, we just need clearer directions.

Judge Pullan: Under (3)(C), on the last line it says the parties are “responsible for retaining exhibits that may be needed for any post-conviction proceedings.” I would remove “that may be needed for.” I don’t want any discretion built into the rule. You just have a duty to maintain them. In (3)(F), we need to build post-conviction into the rule. I believe most post-conviction relief could be appealed within a year, but there are some provisions that allow newly discovered evidence to go longer than that. That needs to be researched. In (3)(F)(ii), who determines the value of the property to be destroyed? Is it monetary value or evidentiary value? Mr. Palmer: It is monetary value. The intent is that the court won’t take the actual item, but rather a picture of the item that would have a zero dollar value. Ms. Williams: “Monetary value” should be added to (3)(F)(ii) and (2)(B).

Mr. Palmer: I will take your feedback to the planning committee and present another draft to Policy and Planning at a later date.

#### **(6) 3-402. HUMAN RESOURCES ADMINISTRATION:**

Ms. Williams: Bart Olsen is proposing amendments to rule 3-402 at the request of the Council. The amendments include clarifying language, provide consistency with relevant state statutes and current practices, and align with the Judicial Council’s direction.

Mr. Rice moved to recommend that the Judicial Council approve the amendments for public comment. Judge Chin seconded the motion. The motion passed unanimously.

#### **(7) 4-202.08. FEES FOR RECORDS, INFORMATION, AND SERVICES**

Ms. Williams: This rule amendment was born out of a request from the clerks of court and Heidi’s office. When the court receives a request for documents or recordings they are provided on CDs or disks, but disks aren’t really used anymore. Now the court purchases thumb drives, downloads the recordings/information onto those, and gives the thumb drive to the patron to keep. The first amendment reflects that advancement in technology. The second amendment increases the cost of CDs, digital storage media, and audio recordings for one half day of testimony to \$15.00 (up from \$10.00).

Heidi Anderson: If the cost isn’t increased, the court would incur a loss of \$2.80 per thumb drive. CDs cost \$0.20, thumb drives cost \$3.00. The options are either to raise the price or accept the loss, which would come out to roughly \$30,000 per year. Right now clerks are burning records and recordings onto a CD. Patrons want thumb drives and it’s a lot easier for the clerks. Most laptops and devices don’t have a way to read CDs anymore. Thumb drives are purchased by the court. We don’t allow patrons to bring their own because of security issues. We buy thumb drives in bulk which is why the difference in cost is only \$2.80. I don’t think the increase will be an issue for patrons because most of them are paying more for a thumb drive now.

Judge Pullan: Will the cost increase at some point? Heidi: It might, but probably not significantly. Judge Chin: That seems like a reasonable increase given all the factors. Mr. Rice: I think this passes the rational basis test. The only concern I have is how consumers will react. Lawyers will pay it, but will the public question the \$15 charge? Ms. Williams: There is a fee waiver provision in subsection (8).

After further discussion, Judge Chin moved to recommend that the Judicial Council approve the amendments for public comment. Mr. Rice seconded the motion. The motion passed unanimously.

**(8) OLD BUSINESS/NEW BUSINESS:**

- JULY MEETING DATE CHANGE: The committee's July meeting is scheduled for Friday, July 3. The court will be closed that day. The committee voted to cancel the July meeting.

**(9) ADJOURN:**

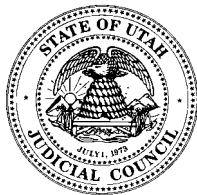
With no further items for discussion, the meeting was adjourned without a motion. The meeting adjourned at 2:00 pm. The April meeting has been canceled. The next meeting will be on May 1, 2020 in the Judicial Council Room.



# Tab 3



## Agenda



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

April 10, 2020

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

## MEMORANDUM

**TO: Judicial Council**

**FROM: Judge Mark May  
Karl Sweeney**

**RE: Updated FY 2020 Year End Available Funds Forecast – Contingent Request  
Matheson Carpet Tiles**

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At the March 13, 2020 Council meeting several budget items were addressed. The Matheson Courthouse carpet replacement (\$400,000 one-time funds) request was deferred until funding could be secured (see page 12 of the draft Council minutes attached to the agenda).

Chris Talbot, Facilities Director, in late March re-contacted DFCM and confirmed that the carpet order date for delivery prior to June 30 had moved up from April 15 (as communicated to the Council at the March meeting) to April 6 due to COVID-19 constraints.

In response to this earlier date, Karl Sweeney, Finance Director, updated the Estimated FY 2020 Year End Available Funds Forecast to include the latest turnover savings forecast (4.3.2020) and provided this forecast to the Budget and Finance Committee to guide their recommendation to the Judicial Council on this contingent request.

The Estimated FY 2020 Year End Available Funds forecast at the end of the 3.13.2020 Judicial Council meeting was \$162,395 (**Exhibit A**). This estimate assumed a conservative forecast of \$125,000 of additional one-time turnover savings every two weeks until the end of the fiscal year (the FY 2020 YTD average had been \$170K per pay period). Between the Judicial Council meeting and the 4.3.2020 forecast, two additional payrolls were closed as follows (in bold):

<u>Payroll</u>	<u>1x Turnover Savings</u>
2.21.2020	\$171,000
<b>3.6.2020</b>	<b>\$136,000</b>
<b>3.20.2020</b>	<b>\$104,000</b>

The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.

**The updated 4.3.2020 forecast (Exhibit B) assumes one-time turnover savings of \$100,000 per pay period for the balance of the year (7 payrolls).** The \$25,000 per pay period reduction over 7 remaining pay periods lowered the forecast by \$175,000, partially offset by 2 previously approved expenditures for conferences which have been cancelled.

**The decline in turnover savings was primarily due to more hires than turnovers during the 2 weeks ended 3.20.2020 as open FTEs were reduced by 15 (72 open down to 57 open). A soft hiring freeze has since been implemented which should stabilize the one-time turnover savings.**

Due to the reduced available funds, the Budget and Finance Committee recommends that the Matheson Courthouse carpet replacement request of \$400,000 be re-submitted as a request for use of the \$2.5M carryforward spend.

## Exhibit A



## FY 2020 Year End One-Time Spending Requests - 3.13.2020

One-time Spending Plan						
Forecasted Available One-time Funds				#	One-time Spending Plan	FY20 Requests
#	Description	Funding Type	Amount			Amount
1	Turnover Savings as of pay period ending 2/25/2020 (based upon pay periods)	Turnover Savings	4,005,105	1	Courtroom A/V Upgrades (IT)	350,000
3	From TCE / AOC budgets	Internal Savings	541,600	2	Upgrade For the Record (FTR) Digital Recording Software (IT)	257,600
5	Reserve Balance (from August Judicial Council meeting)	Reserve	150,000	17	Remote Accessories	83,000
6	Reduction in FY 2020 funds due to FY 2020 legislative session	Legislative Action	(165,000)	3	Learning Management System (Education)	164,100
7	Set-aside for use in FY 2021 (carryforward)	Carryforward	(2,500,000)	4	Self-Assessment Materials (Education)	2,000
				5	Training Equipment (Education)	4,600
				6	Alternative Dispute Resolution Training (ADR Committee)	13,200
				7	Online Dispute Resolution Facilitation Training Manual (ADR)	5,000
				8	Jury Chairs for Brigham City (1st District)	15,000
				9	Jury Tables / Chairs for West Jordan (3rd District)	66,700
				10	Carpet Replacement - Ogden Courthouse (2nd District)	19,650
				11	Public Viewing Agenda Monitor (Court of Appeals)	4,000
				12	Matheson Café Room and Conference Room A/B/C Furniture (Facilities)	130,500
				13	Workforce Performance Bonuses (State Court Administrator)	500,000
				14	Nat'l Assoc. Drug Court Prof. Annual Conference (Veteran's Court Team)	3,960
				16	Inventory of PCs (4/7/2020 deadline) (IT)	250,000
Total Forecasted Available One-time Funds			\$ 2,031,705	Total One-time Spending Requests (before Contingent Requests)		1,869,310
Judicial Council Prioritized / Adopted			\$ (1,869,310)	Contingent Requests		
Remaining Available One-time Funds			\$ 162,395	13a	Employer Paid Salary Related Costs for Workforce Bonuses (6/26/2020 deadline) (SCA)	160,200
				15	Matheson Carpet Replacement (4/15/2020 deadline) (Facilities)	400,000
				Total Contingent Requests		\$ 560,200
						\$ 1,869,310

Turnover Savings forecasted at \$125K per payroll





# FY 2020 Year End One-Time Spending Requests

One-time Spending Plan				FY20		Judicial Council	Expended/ Nonrefundable or Essential (E)	
Forecasted Available One-time Funds				Requests		Approvals		
#	Description	Funding Type	Amount	#	One-time Budget Requests/Current Status in Bold	Amount	Amount	Non-essential (NE)
1	Turnover Savings as of pay period ending 4/3/2020	Turnover Savings	3,239,332	1	Courtroom A/V Upgrades (IT) - <b>work in process partially expended</b>	350,000	350,000	350,000 E
2	Turnover Savings Estimate for the rest of fiscal year	Turnover Savings	744,000	2	Upgrade For the Record (FTR) Digital Recording Software (IT) - <b>Already expended</b>	257,600	257,600	257,600 E
3	From TCE / AOC budgets	Internal Savings	546,100	17	Remote Accessories - <b>Already expended</b>	83,000	83,000	83,000 E
4	Probate Notice Amendments (HB 343, 2020 GS)	Legislative Action	20,500	3	Learning Management System (Education) <b>PO ready to sign - awaiting final approval</b>	164,100	164,100	164,100 E
5	Reserve Balance (from August Judicial Council meeting)	Reserve	150,000	4	Self-Assessment Materials (Education) - <b>Withdrawn (W/D) by Requester</b>	2,000	2,000	N/A NE
6	Reduction in FY 2020 funds due to FY 2020 legislative session	Legislative Action	(165,000)	5	Training Equipment (Education) ( <b>laptops &amp; equipment to create virtual training</b> )	4,600	4,600	4,600 E
7	Potential Year End Career Ladder Expense	Potential Expense	(50,000)	6	Alternative Dispute Resolution Training (ADR Committee) - <b>CLASS CANCELLED</b>	13,200	13,200	N/A NE
8	Set-aside for use in FY 2021 (carryforward)	Carryforward	(2,500,000)	7	Online Dispute Resolution Facilitation Training Manual (ADR) ( <b>See Footnote</b> )	5,000	5,000	5,000 E
				8	Jury Chairs for Brigham City (1st District) ( <b>See Footnote</b> )	15,000	15,000	15,000 E
				9	Jury Tables / Chairs for West Jordan (3rd District) ( <b>Order can be Cancelled w/o penalty</b> )	66,700	66,700	- NE
				10	Carpet Replacement - Ogden Courthouse (2nd District) ( <b>Past cancellation date</b> )	19,650	19,650	19,650 E
				11	Public Viewing Agenda Monitor (Court of Appeals) ( <b>Order can be Cancelled w/o penalty</b> )	4,000	4,000	- NE
				12	Matheson Café Room and Conference Room A/B/C Furniture (Facilities) ( <b>Partial Cancel</b> )	130,500	130,500	43,500 E/NE
				13	Workforce Performance Bonuses (State Court Administrator) - <b>W/D by Requester</b>	500,000	500,000	N/A NE
				14	Nat'l Assoc. Drug Court Prof. Annual Conference (Veteran's Court Team) - <b>Converted to virtual conference @\$500 per attendee</b>	3,960	3,960	- NE
				16	Inventory of PCs (4/7/2020 deadline) (IT) - <b>Already expended</b>	250,000	250,000	250,000 E
				18	<b>NEW. See separate Request #18 document below. (IT)</b>	279,000	-	279,000 E
<b>Total Forecasted Available One-time Funds</b>					<b>Total One-time Spending Requests (before Contingent Requests)</b>	<b>2,148,310</b>	<b>1,869,310</b>	<b>1,471,450</b>
					<b>Potential Return to State Finance</b>			<b>513,482</b>
<b>Judicial Council Prioritized / Adopted</b>					<b>Contingent Requests</b>			
				13a	Employer Paid Benefits for Workforce Bonuses (6/26/2020 deadline) (SCA) <b>Withdraw</b>	160,200		N/A
				15	Matheson Carpet Replacement (4/15/2020 deadline) (Facilities) - <b>Move to \$2.5M Cfwd</b>	400,000		N/A
<b>Actual Return to State Finance Including other Savings</b>					<b>Total with Contingent Requests</b>	<b>\$ 2,708,510</b>	<b>\$ 1,869,310</b>	

Updated April 23 2020

E	Footnotes for "Essential" Expenditures for which Funds Have not yet been Expended
3	See supplemental information (below) on savings to budget LMS software (INFOR) will create
5	Training Equipment - deemed essential because IT does not fund the 3 laptops Education uses for its conferences and courses. All 3 need replacing to run windows 10. This request also includes microphones, headphones, a sound isolation shield and other misc equipment to make on-line training programs which is an essential function of the new LMS system.
7	ODR Training Manual - deemed essential because without the manual training of additional volunteers will be difficult as would expansion of ODR to other parts of the state. The original 4-5 volunteers are nearing the end of their commitment so time is of the essence.
8	Brigham City Jury Chairs - TCE contacted vendor 4/17/2020; cancellation fee already incurred of \$3,350; no refund after 4/17/2020. Due to cancellation fee and relatively small project size, TCE and Director of Finance agreed to proceed.
18	NEW. See separate Request #18 document below. (IT)
NE	Footnotes for Expenditures Deemed "Nonessential"
4	Self Assessment Materials - Requester (Education) withdrew request since they did not deem it essential.
6	ADR Training - Class was cancelled due to COVID19.
9	West Jordan Jury Room - Order has not been placed; no penalty to cancel; Can wait until 4/27/2020 to place order and still get delivery before 6/30/2020. Amount returnable \$66,700.
10	Carpet Replacement Ogden - Carpet is already on order and DFCM indicates it is not refundable.
11	Public Viewing Agenda Monitor - Project can be cancelled with no penalties. Amount returnable \$4,000.
12	Matheson Café/Conference Room Tables/Chairs - Chairs are already on order and no refund is available (\$43,500). Tables order can be cancelled with no penalties. Amount returnable \$87,000.
13	Workforce Performance Bonuses (State Court Administrator) - Requester withdrew request since they did not deem it essential.

### 3. Request to the Judicial Council - FY 2020 – Learning Management System – **SUPPLEMENTAL**

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020**

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**Date:** April 23, 2020

**Department or District:** Education - Extending to all Judicial

**Requested by:** Dr. Kim Free, Libby Wadley, Tom Langhorne

#### **SUPPLEMENTAL - Potential Savings from LMS (INFOR):**

The following potential savings have been identified as offsets sufficient to **fully pay** for the INFOR LMS purchase. **Other LMS systems considered did NOT have the capability to provide both of these saving:**

1. INFOR will provide fiscal year savings because it allows the Court to eliminate the Court's current \$18,000 annual subscription to CERTAIN, a third-party event management system ("EMS") software provider. INFOR is the only LMS solution among the vendors competing for the Court's LMS contract that can completely replace the functionality that CERTAIN provides within the new LMS software. As an example, INFOR allows the Court to bill for rooms, food, mileage and other costs associated with trainings. **Annual Savings - \$18,000**
2. INFOR also allows the Court to convert many of the Court's live, in-person classes to Webinar courses (simultaneously capturing all the enrollment and completion data and storing it within INFOR). Further, INFOR has the most robust content creation tools available. The less expensive options either do not have content creation (Saba) or lack needed integrations (LearningZen) with Webex and Google Calendar or come with basic features such as a built-in Survey Tool and Interactive Check-in Tool. Because we can do any type of content creation and offer it on a sophisticated Webex platform, INFOR allows us to create a virtual conference with all of the features we have today.

The average yearly "in-person" live classes expenditures for venue, travel, meals and lodging for the past three years equal \$64,100. We expect to replace a large number of these "in-person" classes with INFOR's on-line instructional capacities. **Annual Savings - \$50,000.**

Together, **annual savings** from purchasing INFOR's LMS and EMS **will average \$68,000.**

Yearly INFOR subscription costs equal \$61,800 (2 years of subscription costs are paid with the initial purchase), **thereby yielding an annual net savings of \$6,200.**



### 3. Request to the Judicial Council - FY 2020 – Learning Management System – (Education)

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020**

Date: February 12, 2019

Department or District: Education - Extending to all Judicial  
Requested by: Dr. Kim Free, Libby Wadley, Tom Langhorne

**Request title:** Procure Learning Management System (LMS) software (two-year contract for 1300 Court employees and 500 justice court clerks - June 30, 2020 - June 30, 2022). **Addenda further explains the details of this executive summary request.**

**Amount requested:** \$164,000 ([see addendum A](#))

The amount requested is based on the average of all 7 systems demonstrated and does **not** equal the price of the top two systems (Infor and Oracle). An AOC team will need to negotiate price with Infor and/or Oracle to purchase the best system, but if negotiations fail, the next best solution (Bridge) fits the majority of our needs within the amount requested. This one-time "ask" will require a future on-going "ask" of \$40-50,000 for yearly subscription costs based on the chosen system and other cost savings from potentially various management systems once an LMS system is fully functioning.

**Purpose of funding request:** The judicial branch needs immediate funding for a comprehensive learning management system (LMS). An LMS is a modern management tool designed to increase employee engagement and communication through targeted learning for the unique professional development needs of each individual in the Court system. *The Courts current on-line training system, LearningLink will be rendered inoperable by December 2020, and cannot be "fixed" with alternative programming, updates, or another software "plug-in." If a "fix" were possible, it would require LearningLink's entire code to be re-written. The "re-write" cost would far exceed the price of a new LMS, and would still not resolve the security risk that re-writing code presents. Furthermore, IT director Heidi Anderson, indicates she has no personnel to rewrite the underlying code because the "orphan code" was written by college students nine years ago and are no longer associated with the courts.*

#### Executive summary

*Background/History* ([see addendum B](#))

- \* LearningLink, our current system is built on Adobe Flash and is identified as an IT security risk.
- \* Adobe Flash will discontinue December 2020. Adobe and all browsers have begun limiting support for Flash to prepare for cease of operation in December 2020.
- \* IT advises they are unable to fix LearningLink, due to costs, competing projects and resources, and recommends purchasing an "off the shelf" Learning Management System. IT's costs to duplicate the functionality of "Off the Shelf" LMS would be much higher than the annual subscription costs.
- \* In March 2019, the AOC began an RFP process for an LMS. In May 2019, the RFP process did not present acceptable LMS options. IT advised using the State Cloud Contract to select an LMS.
- \* 7 potential options were identified through the State Cloud Contract, demonstrations were conducted.
- \* Our top two LMS vendors have been identified.

## Executive Summary (cont.)

### *Expected Outcomes* ([see addendum C](#))

- \* Needs/requirements for a Learning Management System to serve 1800 employees. The 500 justice court clerks need this system to fulfill newly created clerks training and certification efforts unique to justice court clerks. The justice courts clerks cannot fulfill this need without our new LMS system.
- \* Enhancements (from our current on-line training system) to an LMS.
- \* Adopting one solution/system to meet **ALL** our needs. Top Choice: Infor, meets all the criteria. Oracle is the secondary solution/system meeting the majority of criteria.

### *Performance Measures/Court Mission*

- \* Our recent “all judicial efforts” being made to help increase “employee experience” include a successful 2019 legislative “ask” to increase clerical pay, piloting alternative work schedules, researching modern advancement protocols, and much more. **All these efforts will be in vain, if we do not adopt an LMS as the main application tool to manage and measure our progress.**
- \* Improvement to new judge orientation and transitioning to the bench: currently, Senate confirmed district and juvenile judges often start sitting several months before attending the first available “new judge orientation” training. As a result, critically needed training to assist judges in making the transition to the bench is not timely available. A new LMS system affords immediate live or asynchronous training for new judges before they take the bench.
- \* A two-year contract will allow us to transfer all Adobe Flash based training to a current, supported format (HTML5) immediately, keeping our on-line training operating. In two years, we will identify cost savings by replacing/updating/consolidating current management (operating) systems to our LMS (such as event management, onboarding, performance development, etc.)

### **Alternative funding sources, if any**

*Justice Courts Technology, Security and Training Fund:* In our last year's request, the state justice court administrator, Jim Peters, expressed his confidence that on April 23, 2019, his Justice Court Judges' Board will approve a \$15,000 contribution towards the new LMS' purchase. To date, the Justice Court's Board decision to fund an LMS is still pending.

### **If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

*If our request is not funded at this time, the consequences will be to suspend, or at minimum delay, all judicial on-line training efforts immediately to prepare for alternative strategies (below).* With numerous trends (e.g., rapid pace of change, shrinking labor force, shifting employee expectations) disrupting talent recruitment and retention strategies, administrators and supervisors are now forced to focus on the “employee experience” to better meet employees’ evolving expectations and reduce turnover.

### *Consequences* ([see addendum D](#))

- \* We no longer have an LMS to facilitate communication, identify mobility across the organization, and engage with a multitude of learning, growth, and development opportunities.
- \* We no longer have an LMS to facilitate our clerical advancement protocols.
- \* We no longer have an LMS to facilitate online compliance training required under Rule, i.e. Court Security, Enterprise Security Awareness, Electronic Mail Retention.

### *Alternative Strategy* ([see addendum D](#))

- \* Move our current content library of online training (OTP) to the intranet.

## 18. Request to the Judicial Council – FY 2020 – Essential IT Budgeted Purchases Delayed Due to COVID19 IT Spending

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020**

**Date:** 4/22/20

**Department or District:** Information Technology

**Requested by:** Heidi Anderson

**Request title:** Replace Budgeted IT Money Spent on COVID-19 Laptops and Other Related Purchases

**Amount requested:**    **One-time \$ 279,000** \_\_\_\_\_

**Ongoing \$ 0** \_\_\_\_\_

**Purpose of funding request:** The attached list of items (see below) were originally anticipated to be purchased out of the approved FY2020 IT budget. Due to COVID19 response needs for additional laptops and other related purchases for remote working, we stripped out these purchases so as to not exceed our IT budget. IT originally intended to make the purchase of the items below a request for funding out of the \$2.5M carryforward, but due to adjustments to the FY 2020 Year End Spending approved requests, we are submitting these as “essential” purchases to be made as originally intended in FY 2020.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

See descriptions below. We would use FY2020 Year End Spending money to ensure these essential efforts can be completed.

**Alternative funding sources, if any:** Potentially Carryforward into FY2021 or Grant money. These potential sources of funds have risks that they will not be available. The FY 2020 Year End Spend money would not have funding risks.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?** These projects may not be completed with the associated operational risks.

## 18. Request to the Judicial Council – FY 2020 – Essential IT Budgeted Purchases Delayed Due to COVID19 IT Spending

These projects were originally part of FY 2020 Budgeted IT Spend. They were deferred so that higher-priority COVID19 spending could occur. **Note: We anticipate a reimbursement from State Finance with Federal CARES funds made available to the State for the full amount of the expenditures shown below which were diverted for COVID19 laptop purchases. The timing of the reimbursement is not known.**

Budget	Description	Why Important	Spend status	Estimate
IT Budget	4 PVU's for Websphere	This is needed to support redundancy project	Delayed	\$60,000.00
IT Budget	Tybera Upgrade - e-filing enhancements	This was a request to support commissioner signing which will also decrease 3 <sup>rd</sup> party confusion on whether documents are final.	Delayed	\$30,000.00
IT Budget	Kendo UI components	This is needed to support the CORIS rewrite for developers	Delayed	\$24,000.00
IT Budget	Router upgrades	These routers are coming end of life and will no longer be supported after October	Delayed	\$65,000.00
IT Budget	Microsoft software	This was going to be used to fill our gap on Microsoft Software	Delayed	\$100,000.00
<b>Total</b>				<b>\$279,000.00</b>

# Tab 4



Agenda



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

April 8, 2020

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO: Management Committee/Judicial Council**

**FROM: Jim Peters, Justice Court Administrator**

**RE: Complying with the Code of Judicial Administration**

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As a result of complications resulting from the pandemic, the Board of Justice Court Judges is requesting that the Management Committee suspend certain rules in the Code of Judicial Administration. Below is a brief summary of the issues presented to date. The full text of the rules associated with them is attached. Relevant provisions are highlighted.

#### **Educational Requirements:**

Rule 3-403 of the Code of Judicial Administration addresses judicial branch education. Section (3)(A) requires that “[a]ll judges, court commissioners, active senior judges, and active senior justice court judges ... complete 30 hours of pre-approved education annually.” Justice court judges and active senior justice court judges are specifically required by Section (3)(B) to attend the annual justice court conference unless excused by the Management Committee for good cause. And Section (4)(B)(i) requires that all court staff employed by the justice courts complete 10 hours of approved coursework annually.

Because the clerks’ conference scheduled to be held last month and the justice court judges’ conference scheduled to be held this month have both been cancelled, the Board of Justice Court Judges would request that these requirements be suspended for the year ended June 30, 2020. In addition, the Board would request that Rule 3-101(3) be suspended, if necessary, to keep judges in good standing for upcoming retention elections. And finally, the Board would request that Rule 9-103 be suspended so that the Justice Court Administrator need not report judges to the

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

Judicial Conduct Commission for not complying with the educational requirements described above.

**Elections:**

Rules 9-101(2) and 9-109(1)(A)(i) of the Code of Judicial Administration govern the elections for Council, Board and District positions held by justice court judges. Each of these rules requires that elections take place at the annual conference held each spring. Since that conference was cancelled, the Board would propose that these elections take place at the Annual Judicial Conference in September instead. The Board would also ask that those not able to attend the conference be allowed to vote in abstentia. If that conference is at risk of being cancelled as well, the alternative would be to handle elections electronically for everyone—either this month or in September. Either way, these rules need to be amended. If the Management Committee agrees, language will be proposed at next month's meeting for its consideration. If these provisions need to be suspended in the meantime, the Board would make that request as well.

**Requesting Funds from the Justice Court Technology, Security and Training Account:**

Rule 9-107(5) of the Code of Judicial Administration requires that applications for funding from the Justice Court Technology, Security and Training Account be received by April 15. The Board would request that, for this year only, the deadline be extended to May 15.



**Rule 3-403. Judicial branch education.****Intent:**

To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a comprehensive education program for all judges, commissioners and court staff.

To establish education standards for judges, commissioners and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

**Applicability:**

This rule shall apply to all judges, commissioners and court staff, except seasonal employees and law clerks.

**Statement of the Rule:****(1) Organization.**

(1)(A) Judicial branch education committee. The Judicial Branch Education Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) Responsibilities of members. Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

**(1)(C) Committee meetings.**

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) Administration. Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

**(3) Standards for judges and court commissioners.**

(3)(A) Program requirements. All judges and court commissioners shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee. All judges, court commissioners, active senior judges, and active senior justice court judges shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts of record and court commissioners may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual Utah Judicial Conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(i) Active senior judge. If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having to complete the annual 30 hour education requirement.

(3)(A)(ii) Inactive senior judges and retired judges. If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

(3)(A)(ii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;

(3)(A)(ii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;

(3)(A)(ii)(c) he or she has attended 30 hours of approved judicial education within one year before the application;  
or

(3)(A)(ii)(d) he or she has attended the new judge orientation for judges of the courts of record within one year before the application. (3)(B)(i) Program components. Education programs for judges and court commissioners shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judges and court commissioners over the long term. (3)(B) Annual conferences. Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Management Committee for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, judges, active senior judges and court commissioners of the courts of record are strongly encouraged to attend that conference.

#### (4) Standards for court staff.

##### (4)(A) State employees.

(4)(A)(i) Program requirements. All court staff employed by the state shall complete 20 hours of approved coursework annually.

(4)(A)(ii) Program components. Education programs for court staff employed by the state shall include: on-the-job orientation for new employees as well as semi-annual Orientation Academies; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

##### (4)(B) Local government employees.

(4)(B)(i) Program requirements. All court staff employed by the justice courts shall complete 10 hours of approved coursework annually. All other court staff employed by local government shall complete 20 hours of approved coursework annually.

(4)(B)(ii) Program components. Education programs for court staff employed by local government shall include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth.

#### (5) Reporting.

(5)(A) Judges, commissioners and court staff governed by these standards shall report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards shall be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) Credit. Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

#### (7) Funding.

(7)(A) Budget. In preparing its annual request for legislative appropriations, the Council shall receive and consider recommendations from the Committee. The Committee's annual education plan shall be based upon the Council's actual budget allocation for judicial education.

(7)(B) In-state education programs. Judicial branch funds allocated to in-state judicial education shall first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

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(7)(C) Out-of-state education programs. To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan shall include out-of-state education opportunities. The Committee shall approve national education providers and shall include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) Tuition, fees, and travel. The Committee shall develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

Effective November 1, 2016

**Rule 3-101. Judicial performance standards.****Intent**

To establish standards of performance for application by the Judicial Performance Evaluation Commission.

**Applicability**

This rule applies to all justices and judges of the courts of record and not of record.

**Statement of the Rule**

(1) Case under advisement standard. A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination.

(2)(A) A justice of the Supreme Court demonstrates satisfactory performance by circulating not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year.

(2)(B) A judge of the Court of Appeals demonstrates satisfactory performance by:

(2)(B)(i) circulating not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and

(2)(B)(ii) achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.

(2)(C) A trial court judge demonstrates satisfactory performance by holding:

(2)(C)(i) not more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and

(2)(C)(ii) no case under advisement more than six months after submission.

(3) Education standard. Satisfactory performance is established if the judge annually obtains 30 hours of judicial education subject to the availability of in-state education programs.

(4) Physical and mental competence. Satisfactory performance is established if the response of the judge demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

**Rule 9-103. Certification of educational requirements.****Intent:**

To establish the process for measuring compliance with the certification requirements of Utah statutes.

**Applicability:**

This rule shall apply to all Justice Court judges.

**Statement of the Rule:**

(1) Notification shall be sent to each Justice Court judge of the date and place of the annual Justice Court Conference.

(2) Each Justice Court judge shall enter his or her name on a roll to be kept at the annual Justice Court Conference.

(3) No later than February 1, the Justice Court Administrator shall report to the Judicial Conduct Commission the names of Justice Court judges who have failed during the previous calendar year:

(3)(A) to attend or be excused from a mandatory conference; or

(3)(B) to obtain 30 hours of judicial education.

**Rule 9-101. Board of Justice Court Judges.**

Intent:

To prescribe the membership, method of selection, term of office and basic procedures of the Board.

Applicability:

This rule shall apply to the Board of Justice Court Judges.

Statement of the Rule:

(1) There is hereby established a Board of Justice Court Judges comprised of the chair, six at-large members, and the three Council representatives.

(2) The Justice Court judges shall, by majority vote of those in attendance at the annual spring training conference, elect the members of the Board.

(3) The chair and the at-large members shall serve staggered two year terms. The Council representatives shall serve during the length of their term as Council representatives.

(4) The chair shall preside over all meetings of the Board and over the Justice Court judges' training conferences. The chair may not simultaneously serve as a Council representative.

(5) Members of the Board shall elect a vice-chair and an education liaison. The vice-chair shall serve as chair in the absence of the chair or upon request of the chair. Neither the vice-chair nor the education liaison may simultaneously serve as a Council representative.

(6) There shall be an Executive Committee comprised of the chair, vice-chair and one of the Council representatives designated by the chair. The Executive Committee may take necessary action on behalf of the Board between Board meetings.

(7) If vacancies occur for any reason on the Board between elections, the Board shall elect a replacement for the unexpired term of the vacancy.

(8) Should the chair resign or leave the Board for any reason, the vice-chair shall become chair for the remainder of the term.

(9) Should the vice-chair of the Board resign or leave the Board for any reason, a new vice-chair shall be elected by the Board from among its members to serve the unexpired term of the vice-chair.

(10) If a vacancy occurs for any reason among the representatives to the Council, the Board shall designate an interim representative to serve until the next annual training conference, at which time a representative shall be elected to fill the unexpired term.

(11) The Board shall meet at least quarterly to transact any and all business that is within its jurisdiction. The Board shall rule by majority vote. All members, except the three Council representatives, are voting members. Four voting members of the Board constitute a quorum. Board meetings shall be conducted generally in accordance with Robert's Rules of Order.

(12) All business conducted by the Board shall be conducted in accordance with this Code. (13) The Board shall be responsible for certifying new justice courts and recertifying existing justice courts to the Judicial Council as outlined in Rule 9-108.

(13) The Board shall be responsible for certifying new justice courts and recertifying existing justice courts to the Judicial Council as outlined in Rule 9-108.

**Rule 9-109. Presiding judges.****Intent:**

To establish the procedure for election, term of office, role, responsibilities, and authority of presiding judges, associate presiding judges, and education directors for Justice Courts.

**Applicability:**

This rule shall apply to presiding judges, associate presiding judges, and education directors in the Justice Courts.

**Statement of the Rule:****(1) Election and term of office.****(1)(A) Presiding judge.**

(1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the active judges present at the district meetings held at the 2018 Justice Court Conference. Thereafter, regular elections shall take place at the annual conference in odd years for odd-numbered districts and in even years for even-numbered districts. In the event that a majority vote cannot be obtained, the presiding judge shall be determined by the Board of Justice Court Judges. Interim elections, if necessary, shall take place as provided in this rule. A presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of presiding judge.

(1)(A)(ii) The presiding judge's term of office shall be from the time of his or her election or appointment until he or she resigns or until the next regular election, whichever occurs first. A presiding judge may serve successive terms.

**(1)(B) Associate presiding judge.**

(1)(B)(i) The active judges of a district may, at their discretion, elect one judge of the district to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A). An associate presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of associate presiding judge.

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge.

**(1)(C) District education director.**

(1)(C)(i) The active judges of a district may, at their discretion, elect one judge of the district to the office of education director. An education director shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A). Senior judges are ineligible to vote for the office of district education director but may hold the office. If a district does not elect an education director, the associate presiding judge, if there is one, shall serve as the education director. If the district elects neither an education director nor an associate presiding judge, the presiding judge shall serve as the education director.

(1)(C)(ii) The education director shall serve on the justice court education committee and shall work with the Education Department of the Administrative Office in developing, planning and presenting relevant judicial training at the district level.

**(1)(D) Removal and Other Vacancies of Office.**

(1)(D)(i) If the office of presiding judge becomes vacant, then the associate presiding judge shall serve the rest of the presiding judge's term. If there is no associate presiding judge, the district education director shall, if the education director is an active judge, serve the unexpired term. Otherwise, the Chair of the Board of Justice Court Judges shall appoint a judge to serve until the next district meeting.

(1)(D)(ii) A presiding judge may appoint, on an interim basis, an eligible judge of the district to fill an unexpired term of associate presiding judge or education director until the next district meeting. At the district meeting, the active judges present shall ratify the appointment by majority vote. If they do not ratify the appointment, or if the presiding

judge does not make an interim appointment, nominations and an election shall then be held at that meeting to fill the unexpired term.

(1)(D)(iii) A presiding judge, associate presiding judge or education director may be removed from that office by a two-thirds vote of the active justice court judges in the district. A successor presiding judge shall, or an associate presiding judge or education director may, then be elected to fill the unexpired term of the vacant office.

(1)(D)(iv) In extraordinary circumstances, to preserve confidence in the fair administration of justice, the Presiding Officer of the Judicial Council may remove a judge from any office described in this rule. Vacancies shall be filled as provided in this rule.

## **(2) District meetings.**

(2)(A) Each district shall have regular meetings to discuss and decide district business, receive training, or address issues and concerns specific to the district.

(2)(A)(i) The presiding judge shall call and preside over a meeting of other justice court judges in the district at the annual Justice Court Conference.

(2)(A)(ii) Each district shall have at least one other meeting during the calendar year in which a majority of active justice court judges is present, including the presiding judge or associate presiding judge.

(2)(B) In addition to regular meetings, the presiding judge or a majority of the active judges may call additional meetings as necessary.

(2)(C) An agenda shall be circulated among the judges in advance of any meeting with a known method on how matters may be placed on the agenda.

(2)(D) Other than judges and the Justice Court Administrator, attendance at district meetings shall be by invitation of the presiding judge only.

(2)(E) The issues on which judges vote shall be left to the sound discretion and judgment of each district and the applicable sections of the Utah Constitution, statutes, and this Code.

## **(3) Administrative responsibilities and authority of presiding judge.**

(3)(A) Generally. The presiding judge is charged with the responsibility for the effective operation of the justice courts within a district. He or she is responsible for the implementation and enforcement of statutes, rules, policies, and directives of the Judicial Council and the Board of Justice Court Judges as they pertain to the administration of the courts. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(B) Coordination of required training.

(3)(B)(i) The presiding judge, associate presiding judge, or education director shall: (a) be responsible to see that judges in his or her district are appropriately trained, (b) assist in planning statewide trainings as part of the Education Committee, (c) plan district training to be held in connection with the meetings required by section (2), (d) recommend mentors for new judges, and (e) arrange for individual training, as needed.

(3)(B)(ii) Presiding judges are encouraged to observe the hearings of judges within the district to assess training needs.

(3)(C) Court committees. The presiding judge shall, where appropriate, make use of committees composed of other judges and court personnel to investigate problem areas and improve the administration of justice.

(3)(D) Outside agencies and the media.

(3)(D)(i) The presiding judge shall be available to meet with the media, outside agencies, such as prosecuting attorneys, city attorneys, county attorneys, public defenders or associations of defense counsel, sheriffs, police chiefs, bar association leaders, probation providers, government officials of cities or counties located within the district, civic organizations, and other state agencies.

(3)(D)(ii) The presiding judge shall be the primary judicial representative of the justice court judges in the district.

(3)(D)(iii) Nothing in this rule shall replace or interfere with the statutory and administrative responsibilities of an appointed judge to the appointing authority of a court.

(3)(E) Judicial officers. The presiding judge shall discuss significant concerns, problems or complaints regarding the judges in his or her district with the Justice Court Administrator, who shall work together to resolve the concern. In the



event that another judge in the district fails to comply with a reasonable administrative directive of the presiding judge,<sup>000063</sup> interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the presiding judge may, depending on the severity of the issue and consistent with legal and ethical obligations:

(3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or discuss the issue with other presiding judges;

(3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position taken, consult with the judge about alternative solutions and reevaluate the directive or position, as appropriate;

(3)(E)(iii) Present the problem to the Board of Justice Court Judges for input;

(3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or treatment; or

(3)(E)(v) Refer the problem to the Judicial Council, the Chief Justice, or the Judicial Conduct Commission, as appropriate.

(3)(F) Liaison. The presiding judge or his or her designee shall serve as a liaison between the justice courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges of Juvenile Court and District Court.

(3)(G) Reassignment.

(3)(G)(i) In the event that a motion to disqualify a judge or judges is filed and no appointed judge of the court is available or empowered to hear the motion, the presiding judge shall consider the motion and, if necessary, assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

(3)(G)(ii) In the event that all of the appointed judges of a court recuse themselves from a matter, the presiding judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

(3)(H) Compliance with standards. The presiding judge shall monitor and ensure that judges are complying with performance standards established by the Council or as otherwise required by law.

(3)(I) Performance evaluations. Pursuant to Utah Code 78A-12-203, the presiding judge shall receive the midterm reports prepared by the Judicial Performance Evaluation Commission for the other justice court judges in his or her district. The presiding judge shall consult with the evaluated judge and the Justice Court Administrator to develop a plan for addressing the issues resulting in less than satisfactory scores.

Effective June 25, 2018

**Rule 9-107. Justice court technology, security, and training account.****Intent:**

To establish the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account.

**Applicability:**

This rule shall apply to all applications for and allocations from the account.

**Statement of the Rule:**

- (1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.
- (2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.
- (3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.
- (4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.
- (5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges, and that recommendation, along with all timely applications shall then be forwarded to the Management Committee of the Judicial Council. The Management Committee will then make the final awards.
- (6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.

# Tab 5



## Agenda



March 23, 2020

*Sent via email and U.S. mail*

Mr. James M. Peters  
Justice Court Administrator  
P.O. Box 140241  
Salt Lake City, Utah 84114-0241  
Email: jamesp@utcourts.gov

**Re: APPLICATION TO EXPAND THE TERRITORIAL JURISDICTION OF THE SPRINGVILLE  
JUSTICE COURT TO INCLUDE MAPLETON CITY.**

Dear Mr. Peters:

As you are aware, Springville City and Mapleton City have determined that expanding the Springville Justice Court's territorial jurisdiction to include Mapleton City's boundaries is in both cities' best interests. Combining the two justice courts will provide a more effective and efficient court for both cities, as follows:

- The Springville Justice Court has great facilities dedicated solely to the justice court, which is not the case in Mapleton. Currently, Mapleton's justice court shares the same space as its city council chambers. Accordingly, Mapleton's justice court defendants and residents participating in functions at city hall are sharing the same space.
- Judge Fenstermaker is currently the judge for both Mapleton and Springville. Judge Fenstermaker has expressed her desire to have the two courts combined. It will allow her more flexibility to set hearings and manage both courts.
- Added flexibility for court scheduling will benefit Mapleton and Springville residents. Currently, Judge Fenstermaker regularly holds court in Springville on Tuesdays and Wednesdays and in Mapleton on Thursdays. By combining both courts, the court will have more flexibility to work with defendants' schedules.
- Expanding Springville's territorial jurisdiction will allow both cities to combine resources and save money. (As part of the purposed territorial expansion, Judge Fenstermaker would still be compensated the same.)



The purpose of this letter and the enclosed documentation is to request permission from the Judicial Council, pursuant to Section 78A-7-102(4) of the Utah Code, to expand the Springville Justice Court's territorial jurisdiction to include Mapleton City's boundaries.

Enclosed please find the following documentation for the proposed territorial jurisdiction expansion of the Springville Justice Court:

- Springville City's Application to Expand the Territorial Jurisdiction of an Established Justice Court, demonstrating that Springville City is committed to the requirements of operating its justice court to the standards established by statute and the Judicial Council before and after the justice court expands.
- Resolution No. 2020-9, approving the form of the Interlocal Agreement with Mapleton City, affirming that Springville City is willing to meet all requirements for certification for the classification of the proposed expanded court, and authorizing Springville to submit the enclosed application to requires the proposed expansion of the Springville Justice Court be approved.
- Interlocal Agreement with Mapleton City.

Springville requests that the Judicial Council grant its application to expand the Springville Justice Court's territorial jurisdiction to include the boundaries of both Springville City and Mapleton City. Springville and Mapleton hope to make the transition by July 1, 2020.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "T. Fitzgerald", is written over the printed name.

Troy Fitzgerald  
Springville City Administration

Enclosures

## APPLICATION FOR JUSTICE COURT EXPANSION

This application is divided into three sections. Section I asks for background information. Section II contains those requirements that are statutory and are not waivable. Section III contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

### SECTION I

Name of Applicant: Springville City Justice Court

Existing Court Location: 110 South Main Springville, UT 84663

Judge: Sherlynn Fenstermaker

Anticipated Level of the Expanded Court (Circle one):     I     (II)     III     IV

Case Filings per Month:

Existing Court: 300

In Territory to be Added by Existing Court: 43

Total Anticipated upon Expansion: 343

Daily Court Hours: Monday-Friday 8-5

Number of Full-time Clerks: 1

Hours Worked per Week per Clerk: 40

Number of Part-time Clerks: 3 currently plus 1 after expansion

Hours Worked per Week per Clerk: 40

Please attach a map which shows the boundaries of the existing Court's jurisdiction and the proposed (expanded) Court's jurisdiction.

State the population within the jurisdiction of the proposed (expanded) Court according to the most recent figures. Springville=33,294 Mapleton=9,773 Total=43,067

List all law enforcement agencies which will be regularly involved in law enforcement within the jurisdiction of the proposed (expanded) Court.

Springville Police Department, Mapleton Police Department, Utah County Sheriff's Office,

Utah Highway Patrol



## SECTION II

The following items are statutory and cannot be waived. Approval of the proposed (expanded) Court will not be granted unless each requirement is met.

Please indicate Yes or No to each of the following:

1. Arrangements have been made so that all official court business will be conducted in a public facility. Yes
2. Court is open daily. Yes
3. The hours of court operation will be posted conspicuously. Yes
4. The judge and the clerk will be required to attend court at regularly scheduled times based on the level of the court. Yes
5. The judge will be compensated at a fixed rate, within the statutory range. Yes
6. The responsible governmental entity will provide and compensate sufficient clerical personnel necessary to conduct the business of the court. Yes
7. The responsible governmental entity will assume the expenses of the travel of the judge for purposes of required judicial education. Yes
8. The responsible governmental entity will assume the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. Yes
9. The responsible governmental entity will provide the Court with:
  - a. Sufficient prosecutorial support Yes
  - b. Funding for attorneys for indigent defendants, as appropriate Yes
  - c. Sufficient local law enforcement officers to attend court as provided by statute Yes
  - d. Security for the court as provided by statute Yes
  - e. Witness and juror fees Yes
  - f. Copies of the motor vehicle laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials Yes
10. Procedures have been adopted to insure that fines, surcharges and assessments which are payable to the state will be forwarded as required by law. Yes



11. Court will be held within the jurisdiction of the court, except as provided by law (78A-7-212). Yes
12. All required reports and audits will be filed as required by law or Rule of the Judicial Council. Yes
13. A verbatim record of all court proceedings will be maintained by an appropriate audio recording system. Yes

### SECTION III

Section III contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for certification.

Please indicate YES or NO to each of the following:

1. Arrangements have been made so that court will be open each day as appropriate for the classification of the court. Yes
2. Arrangements have been made so that the judge will be available to attend court and to conduct court business as needed. Yes
3. Minimum furnishings in the courtroom have been provided, including:
  - a. Desk and chair for the judge Yes
  - b. A six inch riser Yes
  - c. Desk and chair for the court clerk Yes
  - d. Chairs for witnesses Yes
  - e. Separate tables and appropriate chairs for plaintiffs and defendants Yes
  - f. A Utah State flag Yes
  - g. A United States flag Yes
  - h. A separate area and chairs for at least four jurors Yes
  - i. A separate area with appropriate seating for the public Yes
  - j. An appropriate room for jury deliberations Yes
  - k. An appropriate area or room for victims and witnesses which is separate from the public Yes
  - l. A judicial robe Yes
  - m. A gavel Yes
  - n. Current bail schedules Yes
  - o. A copy of the Code of Judicial Administration Yes

- p. Necessary forms and supplies Yes
  - q. Office space for the judge Yes
  - r. Office space for the court clerk Yes
  - s. Secure filing cabinets Yes
  - t. Appropriate office supplies Yes
  - u. A cash register or secured cash box Yes
  - v. At least one computer with internet access Yes
  - w. Access to a copy machine Yes
4. The appropriate number of clerks will be provided as required by the classification of the court, and will be present during the time court is open each day and as needed during court sessions. Yes
  5. Does the applicant have a law enforcement department? Yes
  6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: NA  
\_\_\_\_\_  
\_\_\_\_\_
  7. A security plan will be submitted consistent with C.J.A. Rule 3-414. Yes
  8. The court has the ability to electronically report to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. Yes
  9. I am familiar with the minimum operational standards for this court, and except as noted below, those standards are currently in place and available to the court. Yes

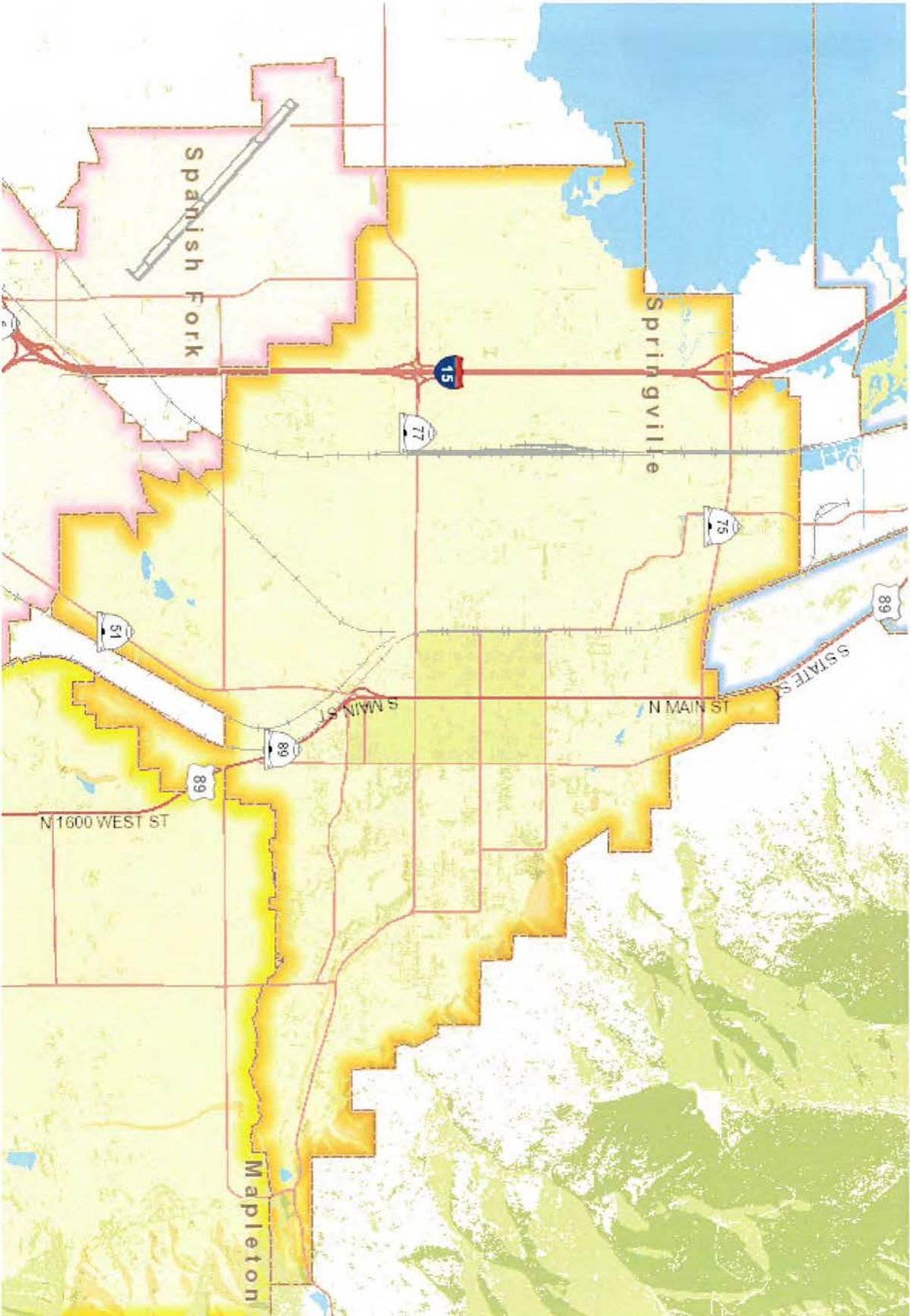
**REQUEST FOR WAIVER OR EXTENSION**

If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the time requested. For each requested waiver, please indicate whether or not this application is conditioned upon receiving a waiver. Remember, those items which are statutory are **not waivable**.

No waivers requested.

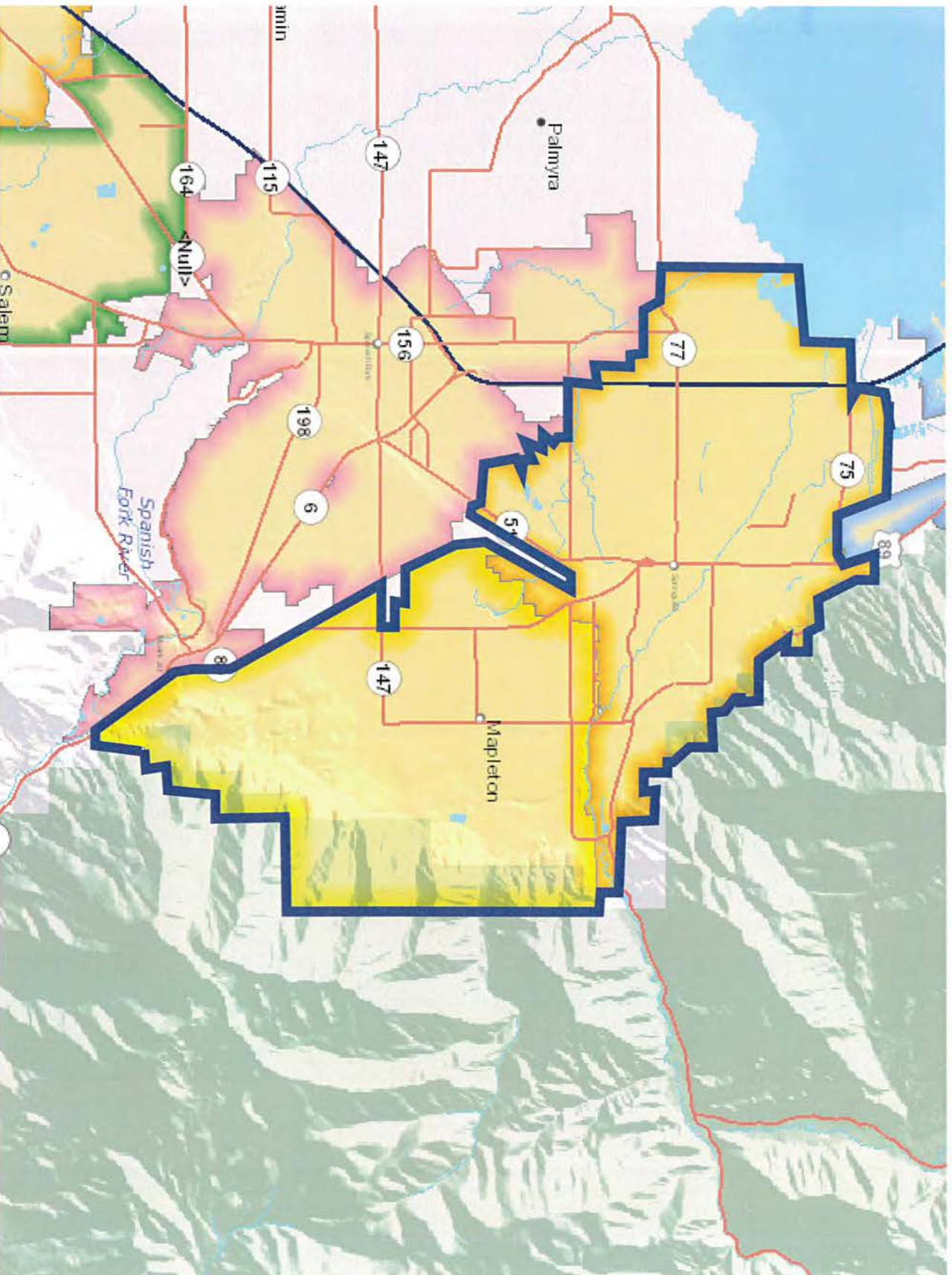


Map of Springville Justice Court's Existing Boundaries  
(Outlined in Dark Yellow)





Map of the Proposed Expanded Springville Justice Court's Jurisdiction  
(Outlined in Dark Blue)



SIGNATURE PAGE

By signing below, I certify that the information contained in this Application for Justice Court Expansion is true and correct to the best of my knowledge.

DATED this 23 day of March, 20 20.

Signature

Applicant

Signatory's Title

SUBSCRIBED AND SWORN to before me this 23 day of March, 20 20



NOTARY PUBLIC

Residing at:

My Commission Expires:

11-30-2022

ATTACHMENT A

RESOLUTION  
(WITH FORM OF INTERLOCAL AGREEMENT ATTACHED)



RESOLUTION #2020-09

A RESOLUTION APPROVING (1) THE EXECUTION OF AN INTERLOCAL COOPERATIVE AGREEMENT WITH MAPLETON CITY THAT WOULD ALLOW SPRINGVILLE CITY TO EXPAND ITS JUSTICE COURT TERRITORIAL JURISDICTION TO INCLUDE MAPLETON CITY AND (2) THE SUBMITTAL OF AN APPLICATION TO THE JUDICIAL COUNCIL FOR APPROVAL TO EXPAND THE SPRINGVILLE JUSTICE COURT'S TERRITORIAL JURISDICTION TO INCLUDE MAPLETON CITY.

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated (1953), as amended, permits local governmental units including cities, counties, inter-local agencies and political subdivisions of the State of Utah to make the most efficient use of their powers by enabling them to cooperate with other public entities on the basis of mutual advantage and to exercise joint cooperative action for the benefit of their respective citizens; and

WHEREAS, Springville City and Mapleton City both operate Justice Courts; and

WHEREAS, both cities believe that the Court may be run more efficiently by combining the two courts; and

WHEREAS, Springville City has the facility and capacity to handle Mapleton's court cases and Mapleton City is willing to dedicate court revenue and a payment for the services received; and

WHEREAS, on March 3, 2020, after discussing the attached interlocal agreement in a public meeting, the Springville City Council finds that the interlocal agreement is in the best interests of Springville City; and

WHEREAS, Springville City is aware that, in addition to entering the attached interlocal agreement, Springville must still meet the requirements for certification to expand Springville Justice Court's jurisdiction to include Mapleton City; and

WHEREAS, the City Council desires to approve and submit the attached interlocal agreement along with the Application to Expand the Territorial Jurisdiction of an Established Justice Court to the Judicial Council for its approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Springville, Utah that:

**SECTION 1: Agreement Approval.** The Interlocal Cooperative Agreement, substantially in the same form as Exhibit A, is approved and shall be executed by Springville City's Mayor and any other necessary City personnel.

**SECTION 2: Legal Review.** The Interlocal Cooperative Agreement has been reviewed by Springville City legal counsel for review and approval as to form and legality.

**SECTION 3: Required Approvals for the Application.** In order to meet the requirements of the Application to Expand the Territorial Jurisdiction of an Established Justice Court to the Judicial Council, the City Council:

- (a) Approves the form of the interlocal agreement attached hereto,
- (b) Affirms the Springville City is willing to meet all requirements for certification (except when the application is conditioned upon receiving a waiver) for the classification of the proposed expanded Springville Justice Court, and
- (c) Authorizes Springville City to submit the application to request that the proposed expanded Springville City Justice Court be approved.

**SECTION 4: Filing with Records Keeper.** An executed original counterpart of the Interlocal Agreement shall be filed immediately with the keeper of records of Springville City.

**SECTION 5: Effective Date.** This resolution shall become effective immediately upon its execution.

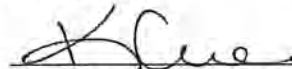
END OF RESOLUTION.

PASSED AND ADOPTED this 03<sup>rd</sup> day of March, 2020.



  
Richard J. Child, Mayor

Attest:

  
Kim Crane, City Recorder

## CITY COUNCIL OF SPRINGVILLE CITY

RESOLUTION NUMBER: #2020-09

SHORT TITLE: A RESOLUTION APPROVING (1) THE EXECUTION OF AN INTERLOCAL COOPERATIVE AGREEMENT WITH MAPLETON CITY THAT WOULD ALLOW SPRINGVILLE CITY TO EXPAND ITS JUSTICE COURT TERRITORIAL JURISDICTION TO INCLUDE MAPLETON CITY AND (2) THE SUBMITTAL OF AN APPLICATION TO THE JUDICIAL COUNCIL FOR APPROVAL TO EXPAND THE SPRINGVILLE JUSTICE COURT'S TERRITORIAL JURISDICTION TO INCLUDE MAPLETON CITY.

PASSAGE BY THE CITY COUNCIL  
ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Liz Crandall			✓		
Craig Jensen			✓		
Patrick Monney			✓		
Matt Packard	✓		✓		
Mike Snelson		✓	✓		
	TOTALS		5	—	—


This resolution was passed by the City Council of Springville City, Utah, on the 03<sup>rd</sup> day of March, 2020; on a roll call vote as described above.

Approved and signed by me this 03<sup>rd</sup> day of March, 2020.



  
Richard J. Child, Mayor

ATTEST:

  
Kim Crane, City Recorder

## INTERLOCAL COOPERATION AGREEMENT (Justice Court)

THIS INTERLOCAL COOPERATION AGREEMENT (the "Agreement"), is made and entered into by and between SPRINGVILLE CITY, a political subdivision of the State of Utah, with an address at 110 South Main Street, Springville, Utah 84663, and MAPLETON CITY, a political subdivision of the State of Utah, with an address at 125 West Community Center Way, Mapleton, Utah, 84664.

### RECITALS

- A. Pursuant to the provisions of the Utah Interlocal Cooperation Act, Utah Code Annotated, Section 11-13-101, et seq., public agencies, including cities of the State of Utah as defined therein, are authorized to enter into mutually advantageous agreements for joint or cooperative action and to exchange services that they are each authorized by statute to provide.
- B. Currently Springville and Mapleton each have a Justice Court. In accordance with Section 78A-7-102 of the Utah Code Annotated, the intent of this Agreement is to expand the territorial jurisdiction of Springville's Justice Court to include the municipal boundaries of Mapleton City, and in essence, combine the Mapleton Justice Court with the Springville Justice Court.
- C. The governing bodies of Springville City and Mapleton City have by resolution agreed to adopt this Agreement.

NOW, THEREFORE, be it mutually covenanted and agreed as follows, each of the parties accepting as consideration for this Agreement the mutual promises and agreements of the other:

#### **Section 1. Purpose.**

This Agreement has been established and entered into between Springville City and Mapleton City for the purpose of agreeing to the terms under which the parties will mutually share and finance a Justice Court.

#### **Section 2. Effective Date and Duration.**

a. The governing body of each party shall approve this Agreement as required by the Interlocal Cooperation Act. This Agreement shall become effective on the date that both parties approve, execute and file it with the person who keeps the records of each party.

b. The term of this Agreement shall be from February 4, 2020 to June 30, 2023 ("Initial Term"). Following the Initial Term, this Agreement shall extend for a period of time not to exceed twenty (20) years, unless otherwise terminated by either of the parties hereto. After the Initial Term, either party may terminate this Agreement at any time for any reason or no reason by providing the other party with a written 180-day notice of termination.

c. This Agreement shall be reviewed as to proper form and compliance with applicable law by an attorney for each of the parties.

d. As of the Start Date (as defined in Section 4 below), this Agreement supersedes and

replaces any and all previous agreements between the parties related to justice courts, including any agreement related to the Justice Court Judge.

### **Section 3. Administration of Interlocal Cooperation Agreement.**

The parties to this Agreement do not contemplate nor intend to establish a separate legal or administrative entity under the terms of this Agreement. The parties agree that, pursuant to Section 11-13-207 of the Utah Code Annotated, Springville City's City Administrator, or his or her designee, shall act as the administrator responsible for the administration of this Agreement and shall have all powers provided by Springville City rule, ordinance, or practice, as is necessary to administer and carry out this Agreement. The parties further agree that this Agreement does not anticipate nor provide for any organizational change in the parties.

**Section 4. Justice Court Transition.** Upon this Agreement being fully executed and the Judicial Council approving Springville City's application to expand its territorial jurisdiction to include the Mapleton City boundary limits, the following will happen:

1. The Springville City Justice Court will operate on the behalf of both Springville and Mapleton City.
2. Mapleton City shall take all necessary actions to notify defendants cited or arrested in Mapleton City regarding when and where their case(s) will be heard in the Springville City Justice Court.
3. Starting on July 1, 2020 (the "Start Date"), as long as approved by the Judicial Council, the Springville Justice Court will start handling Mapleton City cases, and Mapleton City police officers will begin to electronically file citations with the Springville Justice Court and provide the defendant with a citation detailing the contact information and hours for the Springville Justice Court.
4. Mapleton will work with Springville to merge software data through the State. If that is not possible, Springville City will manually input existing Mapleton case data into the software with the assistance of Mapleton court staff. Springville Justice Court will provide notice by mail of exact hearing dates/times to the defendants.
5. No additional fees or costs will be charged by Springville City for cases originating from Mapleton City. The parties agree to work in good faith to discuss and resolve any issues or complaints related to the Springville Justice Court's administration of cases originating from Mapleton City.

### **Section 5. Revenue.**

Springville City shall retain all revenue associated with the court for both Springville City and Mapleton City court cases.

### **Section 6. Costs and Budget.**

Springville City will be responsible for all costs associated with the Springville Justice Court, except as set forth in this Agreement, including but not limited to: providing equipment, security, court staff, transportation, and the judge's salary. Springville City will be responsible for the budget associated with the Springville Justice Court and shall give Mapleton City notice and reasonable opportunity to review and comment on any proposed budget or budget change before its adoption by Springville City.

### **Section 7. Staff.**

Springville City agrees to hire, on a probationary basis, Mapleton's currently serving Court Clerk.



## **Section 8. Service Payments.**

Beginning on the Start Date, Mapleton City shall pay Springville City the amount of \$50,000 per year, which amount is for prosecution, public defender, and court costs, including the salary for the Justice Court Judge, related to Mapleton City cases heard in the Springville Justice Court. It is anticipated that the number of Mapleton City cases and costs associated with Mapleton City cases will increase over time and that inflation will impact Springville's ability to provide services. Therefore, Mapleton City shall pay an inflationary fee of five percent (5%) per year starting on July 1, 2021. Accordingly, the following amounts shall be paid to Springville City on the below dates during the Initial Term.

July 1, 2020 - \$50,000

July 1, 2021 - \$52,500

July 1, 2022 - \$55,125

In the event that this Agreement continues beyond the Initial Term, the annual payment will continue to be due on July 1<sup>st</sup> of every year this Agreement is in effect and shall include the annual 5% increase each year.

## **Section 9. Termination**

Prior to the end of the Initial Term of this Agreement, it shall only be terminated by the mutual consent of both parties. After the Initial Term, any party may terminate this Agreement by giving the other party a 180-day written notice of termination. This Agreement shall automatically terminate should any federal, state, or local law, regulation or rule governing justice courts make it unlawful or reasonably unfeasible for this Agreement to continue.

## **Section 10. Manner of Holding, Acquiring or Disposing of Property**

Springville City shall be responsible for the risk of loss (including without limitation, theft, destruction, disappearance of, or damage) for the equipment and facilities necessary to uphold this Agreement. Upon termination of this Agreement, Springville City shall retain the property and equipment and any benefit thereof.

## **Section 11. Indemnification**

The parties to this Agreement are both governmental entities subject to the Governmental Immunity Act. Each party agrees to defend, indemnify and save harmless the other party for damages, claims, suits, and actions arising out of the negligent acts of its own officers or agents in connection with this Agreement. The obligation to indemnify is limited to the damage cap amounts set forth in the Governmental Immunity Act. This paragraph shall not be construed as a waiver of the rights, immunities, defenses or protections of the Governmental Immunity Act, including limitation of judgments.

## **Section 12. Filing of Agreement**

A copy of this Agreement shall be placed on file in the Office of the City Recorder of each party and shall remain on file for public inspection during the term of this Agreement.

## **Section 13. Notice of Default; Corrective Action**

The failure of either party to comply with each and every term and condition of this Agreement shall constitute a breach of this Agreement. Either party shall have thirty (30) days after receipt of written notice from the other of any breach to correct the conditions specified in the notice, or if the corrections cannot be made within the thirty (30) day period, within a reasonable time if corrective action is commenced within ten (10) days after receipt of the notice.

#### **Section 14. Rights and Remedies**

In the event of any breach hereunder and after the lapse of the cure period as per Section 13 of this Agreement, the non-breaching party shall have all the rights and remedies available under the laws of the State of Utah in effect. The rights and remedies of the parties hereto shall not be mutually exclusive but shall be cumulative in all effects. The respective rights and obligations of the parties hereunder shall be enforceable in equity as well as at law or otherwise.

#### **Section 15. Governing Law, Jurisdiction, and Venue**

All questions with respect to the construction of this Agreement and all rights and liability of the parties hereto shall be governed by the laws of the State of Utah. Jurisdiction and venue for the enforcement of this Agreement shall be found in the courts of Utah County, State of Utah.

#### **Section 16. Costs of Enforcement**

In the event of a breach of this Agreement, the non-breaching party shall be entitled to recover from the breaching party all of the non-breaching party's costs (including, but not limited to, court fees and expert witness costs) and attorneys' fees associated with the enforcement of this Agreement.

#### **Section 17. Notice**

Any written notice which must or may be given relating to this Agreement shall be sufficient if mailed postage prepaid, registered or certified mail, in the United States mail addressed to a party at the address given above. Notice shall be mailed to the attention of each City's Administrator at the above addresses. Either party may notify the other to designate a different address for mailing.

#### **Section 18. Miscellaneous**

A. **Severability.** In the event that any condition, covenant, or other provision herein contained is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained, unless the severance of such condition, covenant, or other provision defeats the essential purposes of this Agreement, in which case this Agreement shall be considered invalid or void in its entirety. If such condition, covenant, or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

B. **Entire Agreement.** This Agreement contains the entire agreement between the parties. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied upon by the parties. All prior understandings, negotiations, or agreements are merged herein and superceded hereby.

C. **Amendments.** This Agreement may be modified only by a writing signed by each of the parties hereto.

D. **Not Assignable.** This Agreement is specific to the parties hereto and is therefore not assignable.

E. **Captions.** The captions to the various Sections of this Agreement are for convenience and ease of reference only and do not define, limit, augment, or describe the scope, content, or intent of this Agreement or any part or parts of this Agreement.

F. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

G. **Gender and Number.** The singular number includes the plural whenever the context so indicates. The neuter gender includes the feminine and masculine, the masculine includes the feminine and neuter, and the feminine includes the masculine and neuter, and each includes corporation, limited liability company, partnership, or other legal entity when the context so requires.

H. **Waiver or Forbearance.** No delay or omission in the exercise of any right or remedy by any party hereto shall impair such right or remedy or be construed as a waiver. Any waiver of any breach must be in writing and shall not be a waiver of any other breach concerning the same or any other provision of this Agreement.

- SIGNATURES ON FOLLOWING PAGE -



IN WITNESS WHEREOF, the parties have signed and executed this Agreement, after resolutions duly and lawfully passed, on the dates listed below.

DATED this 03 day of March, 2020.

SPRINGVILLE CITY

By: 

RICHARD J. CHILD, Mayor




ATTEST:

By: 

KIM CRANE, City Recorder

APPROVED AS TO FORM AND COMPATIBILITY  
WITH THE LAWS OF THE STATE OF UTAH:

  
JOHN A. PENROD,

Springville City Attorney

DATED this 4 day of March, 2020.

MAPLETON CITY

By: 

DALLAS HAKES, Mayor

ATTEST:

By: 

CAMILLE BROWN, City Recorder



APPROVED AS TO FORM AND COMPATIBILITY  
WITH THE LAWS OF THE STATE OF UTAH:



Attorney for Mapleton City



# Tab 6



## Agenda

### UNIFORM FINE/BAIL FORFEITURE SCHEDULE

#### PURPOSE

It is the intent of the Uniform Fine/Bail Schedule to provide assistance to the sentencing judge in determining the appropriate fine or bail to be assessed in a particular case and to minimize disparity of fines/bails imposed by different courts for similar offenses. This schedule is not intended to deprive nor minimize the authority of the court to impose a sentence deemed just in the discretion of the judge.

#### ASSUMPTIONS

The penalty for all public offenses should include a financial sanction as a minimum base from which the judge may determine the total sentence, dependent upon aggravating and/or mitigating circumstances of an individual case.

The cumulative effect of appropriate penalties such as probation, community service, surcharges, restitution, victim reparation, rehabilitation treatment programs, home confinement, court costs and periods of incarceration, should constitute the total sentence.

The enhancement or reduction to the fine should reflect the severity of the offense, the extent of victim injury or property damage loss, the risk which the offender poses to society, the offender's criminal and person history, and related factors. (See Aggravating and Mitigating Circumstances section.)

Per CJA Rule 4-701(1), a \$50 bail increase may be assessed when the delinquent notice is sent to the defendant for failure to appear within 14 days. For information on how to calculate the surcharge on delinquent enhancements, contact the Administrative Office of the Courts.

Per CJA Rule 4-701(2), the \$75 bail increase may be assessed when the defendant has failed to appear or pay bail within 40 days of the date of citation and a warrant is issued. For information on how to calculate the surcharge on delinquent enhancements, contact the Administrative Office of the Courts.

#### Overweight Violations

The assessing court shall retain the first \$50 of the fine for offenses under 72-7-404 and 72-7-406. The remainder of the fine shall be paid in accordance with U.C.A. 78A-7-120 (see Gross Weight Chart for fines).

#### Traffic

A \$30 accident fee may be added to traffic violations resulting in an accident.

In either adult or juvenile court, if an accident has occurred, it may be considered by the court as an aggravating circumstance, and the bail for the cited offense (which caused the accident) may be increased by the indicated amount.

All traffic offenses involving personal injury or death require a MANDATORY APPEARANCE.

A compliance fee of \$8 may be applied to any motor vehicle violation for the operator of a motorcycle or motor-driven cycle, class 3 electric assisted bicycle or auticycle not fully enclosed if the operator was 21 years old at the time of violation AND the operator was wearing protective head gear (UCA 41-6a-1505), except for DUI offenses.

### **Sentencing**

The felony matrix and misdemeanor matrix are guidelines for setting FINE after adjudication of a case requiring a mandatory appearance. The matrices include a broad range of fines from the statutory maximum to a base minimum within each category of offense. They are to be used in conjunction with the criminal history assessment criteria. From the base financial sanction in each category, the schedules provide an escalation of the fine in correlation with the points accumulated in the criminal history criteria. The matrices also specify where incarceration is likely to be appropriate in addition to the fine. Pre-sentence investigation reports, prepared by Adult Probation and Parole Division, will include the criminal history data necessary to place the defendant's case on the matrix.

### **Application to Adults/Juveniles**

Effective July 1, 1994 the Judicial Council approved a separate Bail Schedule for the Juvenile Court. This Bail Schedule then only applies to adults, although the two Bail Schedules are the same with respect to the minors charged with minor traffic violations. Copies of the separate Juvenile Court Fine and Bail Schedule can be found at [http://www.utcourts.gov/courts/juv/fine\\_bail.htm](http://www.utcourts.gov/courts/juv/fine_bail.htm).

### **Nonresident Violator Compact**

At the present time the following states are not members of the Nonresident Violator Compact (NRVC) and will not act on a request to suspend the driver license of a person issued a traffic citation in the State of Utah who fails to appear or contact the court on the citation: Alaska, California, Michigan, Montana, Oregon, and Wisconsin.

The rest of the states, including the District of Columbia, are members of this compact and, with the exception of the following traffic offenses, will act on a request to suspend a driver license if this request reaches the home state within six months of the date of the violation:

1. Those offenses requiring a mandatory appearance under section 77-7-22, U.C.A., such as driving under the influence, failure to stop in event of an accident causing death, personal injuries, or damage to property, and those offenses that the directors of the compact have determined to require a mandatory appearance such as driving on suspension, driving on revocation, etc.
2. Parking or standing violations.
3. Highway weight limit violations.
4. Violations of the law governing the transportation of hazardous materials.

Since a request under the NRVC must reach the home state within six months it must be received by the Utah Driver License Division no later than 5 months after the issuance of the citation, but sooner would be preferable in case there are problems. There is no FTC in the NRVC, only FTAs. If partial payment is accepted by the court, that constitutes an appearance and the court cannot issue an FTC against an out-of-state driver like they can against a Utah driver.

### CRIMINAL HISTORY ASSESSMENT

The attached criminal disposition matrix classifies a person's criminal history in 5 categories from excellent (0-3 points), good (4-7 points), moderate (8-11 points), fair (12-15 points), and poor (16-28 points). The appropriate classification is determined by scores obtained by summing points assessed in each of the six criteria as follows:

1. Prior Felony Conviction(s); up to 8 points if a person has more than 3 felony convictions.
2. Prior Misdemeanor Conviction(s); up to 4 points if a person has more than 7 misdemeanor convictions.
3. Prior Juvenile Referrals; up to 4 points if the person was committed to a secure facility or 3 points if the collection of felonies and misdemeanors exceeded 4 counting felonies as 1 and misdemeanors as 1/3.
4. Supervision History; up to 4 points depending on the prior level of supervision in either the juvenile or adult system and revocation history.
5. Supervision Risk; up to 4 points based on previous reporting, absconding or escape history.
6. Weapons Enhancement; up to 4 points based on the use of weapons.

Total possible points are 28, least possible 0. Aggravating and mitigating circumstances are also a part of the sentence and release guidelines.

	Capital	**1st Degree**		**Person Crimes**			Other Crimes		Crimes Against a Child	
Criminal History		MUR 11	OTHER	HOMICIDE 2nd SEX	2nd Deg 3rd Sex	3rd Deg	2nd Deg	3rd Deg	2nd Deg	3rd Deg
POOR		\$10,000	\$10,000	\$10,000	\$5,000	\$5,000	\$10,000	\$5,000	\$10,000	\$5,000
FAIR							\$5,000	\$2,500		
MODERATE			\$5,000	\$5,000	\$2,500	\$2,500	\$2,500	\$1,500	\$5,000	\$2,500
GOOD		\$5,000	\$5,000	\$5,000	\$2,500	\$2,500			\$5,000	\$2,500
EXCELLENT		\$5,000	\$2,500	\$2,500	\$1,500	\$1,500	\$1,500	\$600	\$2,500	
		\$2,500	\$1,500	\$1,500	\$600	\$600			\$1,500	

DRUG DISTRIBUTION OR INTENT TO DISTRIBUTE OVER \$500 & RESIDENTIAL BURGLARY SHOULD BE "PERSON CRIMES"

	Prison
	Probation



GENERAL DISPOSITION MATRIX		
Misdemeanors		
CRIMINAL HISTORY	Class A Misdemeanors	Class B Misdemeanors
	Persons or Drugs	Persons or Drugs
POOR	\$2,500	\$1,050
FAIR	\$2,000	\$850
MODERATE	\$1,500	\$650
GOOD	\$1,000	\$450
EXCELLENT	\$500	\$250

AMOUNTS DO NOT INCLUDE SURCHARGE ON THIS MATRIX

Class C Misdemeanors - \$800 to \$100

Consider Jail on 2nd Offense

Infractions - \$500 to \$0

Credit allowed towards fine for time served in jail: \$25.00 day

Credit allowed towards fine for community service: No more than \$10/hr

**Aggravating Circumstances**

Only use aggravating circumstances if they are not an element of the offense.

1. Offense caused substantial monetary loss.
2. Offense caused substantial physical or psychological injury to the victim.
3. Offense characterized by extreme cruelty or depravity.
4. Offense involved two or more victims.
5. Offense involved activity which continued over a significant period of time.
6. Repeat offender has demonstrated previous willful inability to comply in less restrictive setting.
7. Offender's validated mental health, psychological, psychosexual, or psychiatric evaluation indicates current treatment needs can't be met in a community-based setting
8. Offender has demonstrated willful failure to attend or to participate in appropriate educational, vocational, or treatment programs.
9. Offender has demonstrated willful failure to obtain and/or maintain verifiable lawful employment
10. Offender has demonstrated regular association with individuals engaged in criminal or unlawful behavior.
11. Offender has demonstrated continued exploitive, aggressive or harmful behavior toward others.
12. Other (Specify)

**Mitigating Circumstances**

1. Offender has engaged in the voluntary screening process in the county jail (LSI:SV, TCUD & MHS).
2. Offender has paid restitution and/or made good faith effort to begin repayment of restitution to the victim.
3. Offender has demonstrated compliance with all pre-trial conditions.
4. Offender is engaged in community-based supervision and/or treatment services consistent with a validated risk and needs assessment.
5. Offender's current living environment is stable and supportive of offense-specific interventions which do not enable continued criminal or unlawful conduct.
6. Offender is engaged in positive, supportive, pro-social relationships.
7. Offender is engaged in positive, supportive, pro-social community activities.
8. Offender has implemented positive educational or employment plans.
9. Repeat offender has demonstrated ability to remain crime-free, with a gap of 2+ years since termination of previous probation, parole, or completion of sentence of incarceration in jail or prison.
10. Other (Specify)

## 2019 UNIFORM FINE BAIL SCHEDULE

ANY OFFENSE NOT SPECIFICALLY NAMED ON THE FINE/BAIL SCHEDULE, AND NOT CONTAINED IN A SPECIFIC FINE/BAIL SCHEDULE SHALL BE AS FOLLOWS:		
<u>FELONIES</u>	<u>BAIL</u>	<u>COMMENTS</u>
<ul style="list-style-type: none"> <li>1st degree with minimum mandatory sentence</li> </ul>	\$25,000	Mandatory Court Appearance
<ul style="list-style-type: none"> <li>Other 1st degree</li> </ul>	\$20,000	Mandatory Court Appearance
<ul style="list-style-type: none"> <li>2nd degree</li> </ul>	\$10,000	*Mandatory Court Appearance
<ul style="list-style-type: none"> <li>3rd degree</li> </ul>	\$5,000	*Mandatory Court Appearance
<u>MISDEMEANORS OTHER THAN LOCAL ORDINANCES</u>		
<ul style="list-style-type: none"> <li>Class A</li> </ul>	\$1,950	*Mandatory Court Appearance
<ul style="list-style-type: none"> <li>Class B</li> </ul>	\$680	*Mandatory Court Appearance
<ul style="list-style-type: none"> <li>Class C</li> </ul>	\$340	
<ul style="list-style-type: none"> <li>Infractions</li> </ul>	**\$100	
<u>LOCAL ORDINANCES</u>		
<ul style="list-style-type: none"> <li>Class B</li> </ul>	\$150	*Mandatory Court Appearance
<ul style="list-style-type: none"> <li>Class C</li> </ul>	\$80	
<ul style="list-style-type: none"> <li>Infractions</li> </ul>	\$25	

\* Unless otherwise authorized by Utah Code of Judicial Administration 7-301.

\*\* On an infraction, defendant cannot be held in jail in lieu of posting bail.

\*\*\* Local ordinances are subject to security surcharge.

## Guide to the Uniform Fine Bail Schedule

The Uniform Fine Bail Schedule is published in both .pdf (Adobe Acrobat) and .xls (Excel) file formats. The .pdf format is organized for ease of printing and the .xls format has been provided for ease in sorting. You can access these files at:

[http://www.utcourts.gov/resources/rules/ucja/append/c\\_fineba/](http://www.utcourts.gov/resources/rules/ucja/append/c_fineba/)

### **Violation Code Column (Violation Code)**

The code for the violation based on Utah statute.

### **Description Column (Description)**

Description of the applicable violation

### **Mandatory Court Appearance Required Column (Man Appr)**

This column is marked Y (Yes) if a court appearance is required to resolve this offense or N (No) if no appearance is necessary and the offense can be resolved by paying the designated fine.

### **Default Severity Column (Deflt Sev)**

The severity of the offense as determined by statute.

### **Suggested Bail Includes Security Surcharge Column (Suggest Bail Plus Sec Surcharge (\$50))**

The total Suggested Bail and Security Surcharge. This includes the \$50 security surcharge for justice courts.

### **Compliance Credit Column (Comp Credit)**

This is the amount of credit given for complying with violation requirements prior to resolving the offense. The "Comment" column describes the compliance required.

### **Non Moving Traffic Column (Non Mov)**

This column is marked Y (Yes) if the offense is non-moving traffic violation and N (No) if the offense is not a non-moving traffic violation. No surcharge should be imposed in non-moving traffic offenses. The Utah Judicial Council through the designated Uniform Fine Bail Committee has the responsibility to define which offenses are moving and which are non-moving. They have established definitions as follows: Moving violations involve an act or omission dealing with the actual driving of the motor vehicle, e.g.: failure to yield, speeding. Non-moving violations encompass status or conditions of the vehicle or driver license violations, e.g.: not registered, not licensed, broken equipment.

### **Surcharge Column (Surch)**

51-9-401, U.C.A. provides that "A surcharge shall be paid on all criminal fines, penalties and forfeitures imposed by the courts. The surcharge shall be 90% upon conviction of a felony; class A misdemeanor; violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances, or 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge. The surcharge may not be imposed: (a) upon non-moving traffic violations; (b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and (c) upon penalties assessed by the juvenile court as part of the non-judicial adjustment of a case under Section 78A-6-602.

#### **Report to Driver License Division Column (DLD Rpt)**

This column will be marked Y (Yes) if the offense is reportable to the Utah Driver License Division and N (No) if not reportable. All states and the Canadian Provinces are members of the compact that shares information regarding convictions for traffic violations. If the convicted violator has a Utah, an out-of-state, or a Canadian driver license, a record of a conviction for an offense with a "Y" in this column will be sent to the Utah Driver License Division within 10 days of the conviction or bail forfeiture. [See Utah Code 77-7-25 and Utah Code 53-3-218]

A plea in abeyance in Utah will not assess points to a driving record. A plea in abeyance may be handled differently in the motorist's home state.

#### **Pleas in Abeyance**

##### **For a Utah non-CDL (commercial driver license) driver:**

A plea in abeyance does not assess points on the driver's motor vehicle record (MVR).

##### **For a CDL (commercial driver license) driver:**

A plea in abeyance will be reflect as a citation on the MVR for a CDL driver because federal law prohibits the Driver License Division (DLD) from masking or deferring judgment for a traffic citation for CDL drivers. If the violation requires a mandatory CDL license disqualification, DLD will also take action on an abeyance.

##### **For a non-resident, non-CDL driver:**

A plea in abeyance disposition may or may not result in assessed points on a license issued in a NRVC (Non-Resident Violator Compact) state. Drivers should contact their home state driver license division to determine if a plea in abeyance disposition in Utah will be recognized as a conviction or a diversion.

#### **Report to Bureau of Criminal Identification Column (BCI Rpt)**

This column will be marked Y (Yes) if the offense is reportable to the Utah Bureau of Criminal Identification (BCI) and N (No) if it is not reportable. Offenses are determined reportable by the Utah Bureau of Criminal Identification.

**Transportation Code (Trns)**

This column is used to designate transportation requirements for individuals arrested in a county other than the county from which the warrant was issued. (Utah Code of Judicial Administration Rule 4-613)

- C - Requires transportation only within the county
- S - Requires transportation within the state

Unless otherwise ordered by the Court, warrants for the following offenses will require transportation from the county in which the defendant is arrested:

- felonies
- class A misdemeanors
- class B misdemeanors charged under Utah Code Title 76 Chapter 5 (Offenses Against the Person), Title 76, Chapter 10, Part 5 (Weapons), and Title 41, Chapter 6a, Part 5 (Driving Under the Influence and Reckless Driving)

Unless otherwise ordered by the court, warrants for the following offenses will require transportation only within the county from which the warrant originates:

- class B misdemeanors not included in the felony, class A and B Misdemeanors noted above.
- class C misdemeanors

**Comment Column (Comment)**

This field may contain comments regarding offense codes.

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
9-4-612	FRAUDULENTLY OBTAIN HOUSING BENEFITS	MB	Y	\$680	\$0	N	90%	N	Y	S	
9 7 214	INTENTIONALLY DEFACING, DESTROYING, OR REFUSING TO RETURN STATE LIBRARY PROPERTY	MB	N	\$680	\$0	N	90%	Y	Y	C	
9-8-305	EXCAVATE/REMOVE ARCHEOLOGICAL RESOURCE W	MB	Y	\$1,940	\$0	N	90%	N	Y	S	
9 9 211	HUNTING, TRAPPING OR FISHING ON RESERVATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
10-3-1304	USE OF PUBLIC OFFICE FOR PERSONAL BENEFIT	MB	Y	\$680	\$0	N	90%	N	Y	C	
10-3-1305	UNLAW COMPENSATION TO ELECTED OFFICIAL	MB	Y	\$680	\$0	N	90%	N	Y	C	
10 3 908	CITY ENGINEER RECORD VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
10-9A-611	SALE OF SUBDIVIDED LAND BEFORE SUBDIVISION IS APPROVED	IN	N	\$340	\$0	N	35%	N	Y	C	
10-9A-802(2)(B)	BUILDING WITHOUT A PERMIT	IN	N	\$340	\$0	N	35%	N	N	C	
11 1 6	LOCAL TAXING UNIT VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
11-6-1	FAIL TO KEEP PAWNBROKER RECORDS	MB	Y	\$680	\$0	N	90%	N	Y	C	
11 6-3	PAWNBROKER RECORDS VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
13-10-4(1)	TRANSFER OF RECORDED MATERIAL FOR PROFIT	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-10-4(2)	UNLAW SALE/DISTRIBUTE RECORDED MATERIAL	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-10-4(3)	UNAUTHORIZED RECORDING PRACTICES - EQUIPMENT RENTAL	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-10-6	UNAUTHORIZED RECORDING	MB	N	\$680	\$0	N	90%	Y	Y	C	
13-10-8	FAIL TO DISCLOSE ORIGIN OF A RECORDING	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-13-7	FAILURE TO PAY AS DIRECTED IN MOTION PICTURES ACT	IN	N	\$100	\$0	N	35%	N	N	C	
13-19-2	COMMERCIAL SHOPPING CART RETRIEVAL VIOLATION	IN	N	\$100	\$0	N	35%	N	N	C	
13-22-13	UNLAWFUL SOLICITATION TACTICS	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-22-4(1)	UNLAWFUL CHARITABLE SOLICITATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-22-5	ORGANIZATION REGISTRATION REQUIRED	MB	Y	\$680	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
13-26-8(1)(A)	TELEPHONE SOLICITOR PROHIBITED PRACTICES	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable offense
13-26-11	TELEPHONE FRAUD/SOLICITATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-32-103	PROHIBITED SALES - SWAP MEET	IN	N	\$200	\$0	N	35%	N	Y	C	
13-32-104	RETENTION OF RECEIPTS & TRANSACTIONS - SWAP MEET	IN	N	\$200	\$0	N	35%	N	Y	C	
13-32-105	FALSIFY/DESTROY RECORDS/RECEIPTS - SWAP MEET VENDOR	IN	N	\$340	\$0	N	35%	N	Y	C	
13-32A-104	REGISTER TO BE MAINTAINED/IDENTIFY ITEMS/PROHIBIT PAWN/SELL	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-32A-104(3)	FAIL TO MAINTAIN REGISTER OR SALE CERTAIN PROP WHEN PROHIBIT	MB	Y	\$680	\$0	N	90%	N	N	C	
13-32A-106	PAWN BUSINESS FAIL TO SUBMIT OR MAINTAIN INFORMATION	MB	Y	\$680	\$0	N	90%	N	N	C	
13-32A-106.5(3)(A)	CONFIDENTIALITY OF PAWN AND PURCHASE TRANSACTIONS	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-32A-108	PAWN BROKER POLICE RETENTION OF RECORDS VIOLATION	MB	Y	\$680	\$0	N	90%	N	N	C	
13-32A-109	HOLDING PERIOD FOR ARTICLES IN PAWN	MB	Y	\$680	\$0	N	90%	N	N	C	
13-34-107(1)	POSTSECONDARY PROPRIETY SCHOOL VIOLATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
13-39-301(1)(A)	CHILD PROTECTION REGISTRY VIOLATION - FIRST OFFENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
17-23-15	REMOVAL OR DESTRUCTION OF GOV SURVEY MONUMENT	MC	N	\$340	\$0	N	35%	N	Y	C	
17-23-17(2)(A)(I)	FAILURE TO FILE MAP OF BOUNDARY SURVEY	MC	N	\$270	\$0	N	35%	N	Y	C	
17-30-22	POLITICAL COMPENSATION ACTIVITY VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
17-43-308	SHOCK TREATMENT, LOBOTOMY, OR SURGERY VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
17B-2A-821	FAILURE TO PAY FARE	IN	N	\$100	\$0	N	35%	N	Y	C	
19-4-109(7)(A)	REIMBURSEMENT FOR EXPENSES VIOLATION	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-11-101.7(1)	CONCEALING CONTRIBUTORS IDENTITY ON CAMPAIGN CONTRIBUTION	MB	N	\$100	\$0	N	90%	N	Y	C	
20A-11-101.7(2)	CONCEALING CONTRIBUTORS IDENTITY ON CAMPAIGN CONTRIBUTION	MB	N	\$100	\$0	N	90%	N	Y	C	
20A-11-1103	FALSE STATEMENTS/RE-CANDIDATES FORBIDDEN	MB	Y	\$680	\$0	N	90%	N	Y	C	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
20A-11-1305(2)(C)	FAIL TO FILE STATEMENT- STATE SCHOOL BOARD CANDIDATE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-11-1305(3)(C)	FAIL TO FILE STATEMENT- LOCAL SCHOOL BOARD CANDIDATE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-11-1604	FAIL TO DISCLOSE CONFLICT OF INTEREST/COMPLY WITH REPORTING	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-11-1605(4)(A)	REGULATED OFFICEHOLDER FAIL TO FILE FINANCIAL DISCLOSURE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-11-603(1)(A)	FAIL TO FILE PAC FINANCIAL STATEMENT BEFORE DEADLINE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-11-603(4)(A)	FAIL TO FILE OR AMEND A STATEMENT WITHIN 14 DAYS OF NOTICE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-11-803(1)(A)	FAIL TO FILE PIC FINANCIAL STATEMENT BEFORE DEADLINE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-11-803(4)(A)	FAIL TO FILE OR AMEND A STATEMENT WITHIN 14 DAYS OF NOTICE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-1-604	DESTROYING ELECTION PARAPHERNALIA	IN	Y	\$340	\$0	N	35%	N	Y	C	
20A-1-606(2)	NON-CANDIDATE WAGERING ON ELECTIONS	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-1-606(3)	WAGER ON ELECTION WITH INTENT TO PREVENT VOTE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-1-607	INDUCING ATTENDANCE AT POLLS-PAYMENT OF WORKERS	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-1-608	PROMISE OF APPOINTMENT TO OFFICE IN ORDER TO AID CANDIDATE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-1-610	AID, ABET VIOLATIONS OF VOTING CODE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-2-301(5)	FAIL TO DELIVER VOTER REGISTRATION	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-3A-403(2)	FRAUDS AND MALFEASANCE IN VOTING BY ELECTION OFFICER	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-3A-501	PROHIBITED VOTING ACTIVITY	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-3A-502	INTIMIDATION/UNDUE INFLUENCE FOR VOTE OR REFRAIN FROM VOTE	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-3A-503	EMPLOYER INFLUENCE OF EMPLOYEE'S VOTE	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-3A-504	ALLOW BALLOT SHOW W/INTENT TO REVEAL VOTE- INTERFERE W/VOTER	MC	N	\$340	\$0	N	35%	N	Y	C	
20A-3A-506	FALSE INFORMATION OR PROVISIONAL BALLOT ENVELOPE	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-11-206(6)(C)(I)	FAIL TO FILE OR AMEND REPORT BY STATE OFFICE CANDIDATE	MB	N	\$680	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
20A-11-305(6)(C)(I)	FAIL TO FILE OR AMEND REPORT BY LEGISLATIVE OFFICE CANDIDATE	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-11-136)((C)(I)	FAIL TO FILE OR AMEND REPORT BY SCHOOL BOARD OFFICE CANDIDATE	MB	N	\$680	\$0	N	90%	N	Y	C	
20A-17-102	REMOVE, ALTER, DEFACE, VANDALIZE A CAMPAIGN SIGN	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-17-102(1)	REMOVE, ALTER, DEFACE, VANDALIZE A CAMPAIGN SIGN	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-3-109(3)	INSTRUCTING VOTER	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-3-502	INTIMIDATION/UNDUE INFLUENCE FOR VOTE OR REFRAIN FROM VOTE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-3-503	EMPLOYER INFLUENCE OF EMPLOYEE'S VOTE	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-3-504	ALLOW BALLOT SHOW W/INTENT TO REVEAL VOTE- INTERFERE W/VOTER	MB	Y	\$680	\$0	N	90%	N	Y	C	
20A-3-506	FALSE INFORMATION ON PROVISIONAL BALLOT ENVELOPE	MB	Y	\$680	\$0	N	90%	N	Y	C	
23-13-13	COMMERCIALIZATION OF WILDLIFE UNLAWFUL	MB	N	\$680	\$0	N	90%	N	Y	C	
23-13-4	CAPTIVITY OF PROTECTED WILDLIFE UNLAWFUL	MB	N	\$680	\$0	N	90%	N	Y	C	
23-13-5	IMPORTATION OR EXPORTATION OF PROTECTED WILDLIFE	MB	N	\$680	\$0	N	90%	N	N	C	
23-15-4	FISH SCREEN INSTALLMENT VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
23-15-9	POSSESSION/TRANSPORTATION OF LIVE PROTECTED AQUATIC WILDLIFE	MB	Y	\$290	\$0	N	90%	N	N	C	
23-19-1	POSSESS OF LICENSES, CERT OF REGIST, PERMITS, AND TAGS REQ	MB	N	\$290	\$0	N	90%	N	N	C	
23-19-1(1)	POSSESSION OF LICENSES, CERT OF REGIST, PERMITS AND TAGS REQ	MB	N	\$290	\$0	N	90%	N	N	C	
23-19-1(2)	USE/TRANSFER/LEND HUNTING OR FISHING LICENSE/PERMIT/REGIS	MB	N	\$290	\$0	N	90%	N	N	C	
23-19-15	WILDLIFE AGENT VIOLATION	MB	Y	\$680	\$0	N	90%	N	N	C	
23-19-5	LICENSE,PERMIT,TAG,COR OBTAINED BY FRAUD,DECEIT,MISREPRESENT	MB	N	\$290	\$0	N	90%	N	N	C	
23-19-8	PROHIBITED USE OF UNSIGNED DOCUMENTS	MB	N	\$680	\$0	N	90%	N	N	C	
23-19-9(10)	UNLAWFUL PURCHASE OF A LICENSE WHILE ON REVOCATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
23-20-13	DESTROYING SIGNS OR PROPERTY OF DWR	MB	N	\$480	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
23-20-14(2)(A)	TRESPASSING DURING WILDLIFE RELATED ACTIVITY	MB	N	\$250	\$0	N	90%	N	Y	C	
23-20-14(2)(D)	WRONGFUL POSTING OF PROPERTY	MB	N	\$680	\$0	N	90%	N	N	C	
23-20-15	DESTRUCTION OF PRIVATE PROPERTY	MB	N	\$480	\$0	N	90%	N	Y	C	
23-20-18	INTERFERING WITH AN OFFICER	MB	N	\$680	\$0	N	90%	N	Y	C	
23-20-19	FAIL TO STOP AT DWR ROADBLOCK OR CHECKING STATION	MB	N	\$360	\$0	N	90%	N	N	C	
23-20-20	CHILDREN ACCOMPANIED BY ADULTS WHILE HUNTING WITH WEAPON	MB	Y	\$640	\$0	N	90%	N	Y	C	
23-20-23	AIDING OR ASSISTING VIOLATION UNLAWFUL	MC	Y	\$340	\$0	N	35%	N	Y	C	
23-20-25	FAILURE TO PRODUCE LICENSE, DEVICE, AND WILDLIFE UPON DEMAND	MB	N	\$210	\$0	N	90%	N	Y	C	
23-20-27	ALTERATION OF LICENSE, PERMIT, TAG OR CERTIFICATE	IN	N	\$100	\$0	N	35%	N	N	C	
23-20-29	UNLAWFUL INTERFERENCE WITH LEGAL HUNTERS/HUNTING ACTIVITY	MB	N	\$680	\$0	N	90%	N	N	C	
23-20-3	TAKE, TRANSFER, SELL, PURCHASE PROTECTED WILDLIFE	MB	Y	\$680	\$0	N	90%	N	Y	C	
23-20-3(1)(C)	ILLEGAL TAKE, TRANSPORT, SELL OR PURCHASE PROTECTED WILDLIFE	MB	Y	\$680	\$0	N	90%	N	N	C	
23-20-3(1)(G)	WANTON DESTR PROT WILDLIFE - OUT OF SEASON, BOUNDARIES, TIME	MB	Y	\$290	\$0	N	90%	N	N	C	
23-20-3.5	UNLAWFUL TAKING OF PROTECTED WILDLIFE WHILE TRESPASSING	MB	Y	\$680	\$0	N	90%	N	Y	C	
23-20-30	TAGGING REQUIREMENT VIOLATION	MB	Y	\$680	\$0	N	90%	N	N	C	
23-20-31	FAILURE TO WEAR SPECIFIED AMOUNT OF HUNTER ORANGE	MB	N	\$170	\$0	N	90%	N	N	C	
23-20-31(2)	FAILURE TO WEAR SPECIFIED AMOUNT OF HUNTER ORANGE	MB	N	\$170	\$0	N	90%	N	N	C	
23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE	MB	Y	\$680	\$0	N	90%	N	Y	C	
23-20-8	WASTE OF WILDLIFE	MB	N	\$680	\$0	N	90%	N	N	C	
23-23-10	HUNTING ON COOP WILDLIFE MANAGEMENT UNIT WITHOUT A PERMIT	MB	Y	\$290	\$0	N	90%	N	N	C	
23-27-201(1)(A)	POSSESS/IMPORT/EXPORT/SHIP OR TRANSPORT DREISSENA MUSSEL	IN	N	\$100	\$0	N	35%	N	Y	C	
23-27-201(1)(B)	RELEASE/PLACE/PLANT/ DREISSENA MUSSEL IN WATER BODY	IN	N	\$100	\$0	N	35%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
23-27-201(1)(C)	TRANSPORT A CONVEYANCE/EQUIPMENT HAS BEEN IN INFESTED WATER	IN	N	\$100	\$0	N	35%	N	N	C	
23-27-201(4)	PASS/TRAVEL TO STATION/CHECKPNT W/OUT PRESENTING CONVEYANCE	MB	Y	\$680	\$0	N	90%	N	N	C	
23-27-306	FAIL TO REMOVE DRAIN PLUG OR SIMILAR DEVICE DURING TRANSPORT	MC	N	\$340	\$0	N	35%	N	N	C	
26-15-13(4)	VIOLATE TANNING REGULATION -MINORS NEED WRITTEN PERMISSION	IN	N	\$340	\$0	N	35%	N	N	C	
26-15-13(7)(B)	MISREPRESENT TO TANNING FACILITY THAT PERSON IS 18 OR OLDER	IN	N	\$340	\$0	N	35%	N	Y	C	
26-20-7	FALSE CLAIMS FOR MEDICAL BENEFITS	MB	Y	\$680	\$0	N	90%	N	Y	C	
26-2-16(5)	SIGN DEATH CERTIF WHERE SIGNATURE OF FUNERAL DIR REQUIRED	MB	Y	\$680	\$0	N	90%	N	Y	C	
26-23-3	DISOBEYING PUBLIC HEALTH LAWS	MB	Y	\$680	\$0	N	90%	N	Y	C	
26-23-5(1)	FALSE STMNT TO VITAL RECORDS BY FILING CERT/RECORD/REPORT	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable Offense
26-23-5(2)	MAKE/ALTER/MUTILATE CERTIFICATE RECORD W/ INTENT TO DECEIVE	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable Offense
26-23-5(3)	OBTAIN/USE/SELL/FURNISH CERTIFICATE/RECORD INC. COUNTERFEITS	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable Offense
26-23-5(4)	POSSESS RECORD/CERTIFICATE/REPORT KNOWN TO BE STOLEN	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable Offense
26-23-5(5)	IMPROPER REMOVAL OF DECEASED PERSON	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable Offense
26-4-8	IMPROPER PROCEDURE-DISCOVERY OF DEAD BOD	MB	Y	\$680	\$0	N	90%	N	Y	C	
26-61a-103(7)(B)	NEG/RECKLESSLY RELEASE INFO FROM STATE ELEC VERIF SYSTEM	MC	N	\$340	\$0	N	35%	N	Y	C	
26-61A-204(1)(A)	CARDHLDR POSSESS MEDICAL CANNABIS W/O CARRYING CARD	IN	N	\$100	\$0	N	35%	N	Y	C	
26-61A-204(2)(C)(I)	CARDHLDR POSSESS MED CANNABIS - > LEGAL LIMIT AND = < 2X LEGAL LIMIT	IN	N	\$100	\$0	N	35%	N	Y	C	
26-61A-204(2)(C)(II)	CARDHLDR POSSESS MED CANNABIS - > LEGAL LIMIT AND = < 2X LEGAL LIMIT 2ND + OFF	MB	N	\$1,000	\$0	N	35%	N	Y	C	
26-61A-204(2)(E)(I)	NON-RES PATIENT POSS MED CANN NOT IN MEDICINAL FORM	IN	N	\$100	\$0	N	35%	N	Y	C	
26-61A-204(2)(E)(II)	NON-RES PATIENT POSS MED CANN NOT IN MEDICINAL FORM 2ND + OFF	MB	N	\$680	\$0	N	35%	N	Y	C	
26-61A-605(6)(A)	TRANSPORT MED CANNABIS SHIPMENT W/O REQUIRED MANIFEST	IN	N	\$100	\$0	N	35%	N	Y	C	
26-8A-502(6)	SUMMON AN AMBULANCE/EMERGENCY RESPONSE WHEN NOT NEEDED	MB	Y	\$680	\$0	N	90%	N	y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
26A-1-123(1)(A)	VIOL PUBLIC HEALTH LAWS, NOTICES, OR ORDINANCES	MB	Y	\$680	\$0	N	90%	N	Y	C	
26A-1-123(1)(B)	DISREGARD NOTICE OR ORDER - HEALTH	MB	Y	\$680	\$0	N	90%	N	Y	C	
26A-1-123(1)(C)	FAIL TO FILE REQUIRED REPORT RE DISEASE, HEALTH RELATED FACT	MB	Y	\$680	\$0	N	90%	N	Y	C	
26A-1-123(1)(D)	WILLFULLY MAKE, ALTER A PUBLIC HEALTH CERTIFICATE	MB	Y	\$680	\$0	N	90%	N	Y	C	
26A-1-123(1)(E)	FAILURE TO REMOVE OR ABATE PUBLIC HEALTH NUISANCE	MB	Y	\$680	\$0	N	90%	N	Y	C	
26A-1-123(1)(F)	CONVEY A GIFT TO LOCAL HEALTH OFFICER NOT PERMIT TO RECEIVE	MB	Y	\$680	\$0	N	90%	N	Y	C	
26A-1-123(2)	REMOVAL OR ABATEMENT OF HEALTH NUISANCE MUST BE <= 30 DAYS	MB	Y	\$680	\$0	N	90%	N	Y	C	
26A-1-123(3)	ACCEPT GIFT OR REMUNERATION BY LOCAL HEALTH OFFICER/EMPL	MB	Y	\$680	\$0	N	90%	N	N	C	
26A-1-123(4)	PERFORM NON-WORK RELATED DUTIES DURING WORK HOURS PUB HLTH	MB	Y	\$680	\$0	N	90%	N	Y	C	
30-1-11	FAILURE TO RETURN MARRIAGE LICENSE W/IN 30 DAYS	IN	N	\$340	\$0	N	35%	N	N	C	
30-1-39	MARRIAGE COUNSELING PROVISIONS	MB	N	\$680	\$0	N	90%	Y	Y	C	
31A-1-104	INSURANCE AGENT WITHOUT LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
31A-22-302	MOTOR VEHICLE INSURANCE POLICY COMPONENTS REQUIREMENT	MB	Y	\$650	\$0	N	90%	N	N	C	
31A-27A-110	FAIL TO COOPERATE W/INSURANCE COMM OR RE	MB	Y	\$680	\$0	N	90%	N	Y	C	
31A-31-103	INSURANCE FRAUD	MB	Y	\$680	\$0	N	90%	N	Y	C	
31A-31-110	FAILURE TO REPORT FRAUDULENT TITLE INSURANCE ACTS	MB	Y	\$680	\$0	N	90%	N	Y	C	
31A-31-110(1)	FAIL TO REPORT FRAUDULENT INSURANCE ACTS	MB	Y	\$680	\$0	N	90%	N	Y	C	
31A-35-701	BAIL BOND PRODUCER, SURETY PROHIBITIONS	MB	Y	\$680	\$0	N	90%	N	N	C	
31A-44-604	FALSE INFORMATION PROVIDED BY CONTINUING CARE PROVIDER	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-11-201	MANUFACTURING ALCOHOL WITHOUT A LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-1-206	UNLAWFUL ALCOHOL ADVERTISING	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-1-206(2)(B)	ADVERTISE AN ALCOHOLIC PRODUCT ON A BILLBOARD	MB	Y	\$680	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
32B-13-301(8)	SELL, DISTRIBUTE BEER TO RETAILER FOR SALES OUTSIDE AREA	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-1-403(1)	UNLAWFUL TRANSFER OF PROOF OF AGE TO ANOTHER PERSON	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-1-407	VERIFICATION OF PROOF OF AGE BY APPLICABLE LICENSEES	MB	Y	\$680	\$0	N	90%	N	N	C	
32B-2-605(9)(B)	CONSUME/ALLOW ALC TO BE CONSUMED BY ANY PERSON ON PREMISES	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-208	MAINTAIN OR ASSIST IN MAINTAINING A NUISANCE	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-401(1)	SALE, FURNISH ALCOHOL BY RETAIL LICENSEE, PERMITEE, OR STAFF	MB	Y	\$680	\$0	N	90%	N	N	C	
32B-4-401(6)	UNLAWFUL SELL, SHIP, TRANSPORT OF BEER FROM OUT-OF-STATE	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-401(7)	UNLAWFUL SELL, SHIP, TRANSPORT OF LIQUOR FROM OUT-OF-STATE	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-402	UNAUTHORIZED SALE, OFFER FOR SALE, OR FURNISHING	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-403(2)(A)	SELL, OFFER, FURNISH ALC PRODUCT TO A MINOR - NEGLIGENCE	MB	Y	\$680	\$0	N	90%	N	Y	C	If committed in negligence or recklessly
32B-4-404(2)(A)	SUPPLY ALC PRODUCT TO INTOXICATED PERSON NEGLIGENCE	MB	Y	\$680	\$0	N	90%	N	Y	C	If committed in negligence or recklessly
32B-4-405	SUPPLYING ALCOHOL TO INTERDICTED PERSON	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-406(1)(A)	SUPPLY BEER TO GENERAL PUBLIC CONTAINER EXCEEDS 2 LITERS	MB	Y	\$480	\$0	N	90%	N	Y	C	
32B-4-406(1)(B)	PURCHASE, POSSESS BEER IN CONTAINER THAT EXCEEDS TWO LITERS	MB	Y	\$480	\$0	N	90%	N	Y	C	
32B-4-406(3)(A)	SUPPLY HEAVY BEER IN CONTAINER THAT EXCEEDS 2 LITERS	MB	Y	\$480	\$0	N	90%	N	Y	C	
32B-4-406(3)(B)	PURCHASE, POSSESS HEAVY BEER CONTAINER EXCEEDS TWO LITERS	MB	Y	\$480	\$0	N	90%	N	Y	C	
32B-4-408	UNLAWFUL PURCHASE OR ACCEPTANCE OF ALCOHOL	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-409	PURCHASE, POSSESS, CONSUME BY MINOR - MEASURABLE AMOUNTS	MB	Y	\$580	\$0	N	90%	N	Y	C	
32B-4-409(1)(A)	UNLAWFUL FOR MINOR TO PURCHASE AN ALCOHOLIC PRODUCT	MB	Y	\$580	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(B)	UNLAWFUL FOR MINOR TO ATTEMPT TO PURCHASE ALCOHOLIC PRODUCT	MB	Y	\$580	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(C)	UNLAWFUL FOR MINOR TO SOLICIT PERSON TO PURCHASE ALCOHOL	MB	Y	\$580	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(D)	UNLAWFUL FOR MINOR TO POSSESS AN ALCOHOLIC PRODUCT	MB	Y	\$580	\$0	N	90%	N	Y	C	Minor offense - Under 21

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
32B-4-409(1)(E)	UNLAWFUL FOR MINOR TO CONSUME AN ALCOHOLIC PRODUCT	MB	Y	\$580	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(F)	MEASURABLE BLOOD, BREATH, OR URINE ALC CONCENTRATION - MINOR	MB	Y	\$580	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(2)(A)	MISREPRESENT MINOR'S AGE (BY MINOR) TO OBTAIN ALCOHOL	MB	Y	\$370	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(2)(B)	MISREPRESENT MINOR'S AGE (BY ANOTHER) TO OBTAIN ALCOHOL	MB	Y	\$370	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(3)	MINOR IN POSSESSION OF ALCOHOL IN LIMOUSINE OR CHARTERED BUS	MB	Y	\$580	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-410	UNLAWFUL ADMIT/ATTEMPT TO GAIN ADMIT BY MINOR IN BAR/TAVERN	MC	Y	\$340	\$0	N	35%	N	Y	C	
32B-4-411(2)(A)(I)	UNLAWFUL USE OF PROOF OF AGE- FIRST OFFENSE	MB	Y	\$680	\$0	N	90%	Y	Y	C	
32B-4-412	UNLAWFUL PURCHASE BY INTOXICATED PERSON	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-413	UNLAWFUL PURCHASE BY INTERDICTED PERSON	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-415	UNLAWFUL BRINGING ONTO PREMISES FOR CONSUMPTION	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-416	PERMITTING MINOR TO CONSUME ALCOHOL ON CHARTERED BUS OR LIMO	IN	Y	\$330	\$0	N	35%	N	N	C	
32B-4-416(1)	PERMITTING MINOR TO CONSUME ALCOHOL ON CHARTERED BUS OR LIMO	IN	Y	\$330	\$0	N	35%	N	N	C	
32B-4-417	POSSESS, STORE, OR ALLOW CONSUMPTION OF LIQUOR ON PREMISES	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-418	UNLAWFUL STORAGE OF LIQUOR ON PREMISES	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-419	UNLAWFUL PERMITTING OF INTOXICATION	MC	Y	\$340	\$0	N	35%	N	N	C	
32B-4-421	CONSUME LIQUOR IN A PUBLIC PLACE BUILDING, PARK, OR STADIUM	MC	Y	\$340	\$0	N	35%	N	N	C	
32B-4-422	UNLAWFUL DISPENSING	MC	Y	\$340	\$0	N	35%	N	Y	C	
32B-4-422(2)	UNLAWFUL DISPENSING	MC	Y	\$340	\$0	N	35%	N	Y	C	
32B-4-422(2)(A)	SUPPLY PRIMARY SPIRITUOUS LIQUOR ON PREMISES	MC	Y	\$340	\$0	N	35%	N	Y	C	
32B-4-422(2)(B)	SUPPLY MORE THAN 2.5 OZ OF SPIRITUOUS LIQUOR PER BEVERAGE	MC	Y	\$340	\$0	N	35%	N	Y	C	
32B-4-422(2)(C)	ALLOW PERSON MORE THAN 2.5 OZ OF SPIRITUOUS LIQUOR AT A TIME	MC	Y	\$340	\$0	N	35%	N	Y	C	
32B-4-422(2)(D)(I)	ALLOW PERSON TO HAVE MORE THAN TWO SPIRITUOUS LIQUOR AT TIME	MC	Y	\$340	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
32B-4-422(2)(D)(II)	ALLOW PERSONS ON PREMISES TO HAVE MORE THAN 1 SPIRIT LIQUOR	MC	Y	\$340	\$0	N	35%	N	Y	C	
32B-4-424	POWDERED ALCOHOL VIOLATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
32B-4-424(2)	USE/OFFER/PURCHASE/FURNISH POWDERED ALCOHOL	MB	Y	\$680	\$0	N	90%	N	Y	S	
32B-4-424(3)	RETAIL LICENSE HOLDER USING POWDERED ALCOHOL AS PRODUCT	MB	Y	\$680	\$0	N	90%	N	Y	S	
32B-4-501	OPERATING WITHOUT A LICENSE OR PERMIT	MB	Y	\$680	\$0	N	90%	N	N	C	
32B-4-501(1)	OPERATE W/O LICENSE/PERMIT TO SELL/CONSUME ALCOHOL ON PREMISE	MB	Y	\$680	\$0	N	90%	N	N	C	
32B-4-501(2)	FAILURE TO OBTAIN PUBLIC EVENT PERMIT FOR ALCOHOL SALES	MB	Y	\$680	\$0	N	90%	N	N	C	
32B-4-501(3)	FAILURE TO OBTAIN PRIVATE EVENT PERMIT FOR ALCOHOL SALES	MB	Y	\$680	\$0	N	90%	N	N	C	
32B-4-501(4)	OPERATE BUSINESS WITHOUT FIRST OBTAINING A LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-501(5)	FAIL TO OBTAIN PUBLIC SERVICE PERMIT FOR PUBLIC CONVEYANCE	MB	Y	\$680	\$0	N	90%	N	N	C	
32B-4-502	UNLAWFUL TO POSSESS, STORE LIQUOR PURSUANT TO FEDERAL STAMP	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-503(2)(A)	TAMPERING WITH A DABC RECORD	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-505(1)	REFUSE OR FAIL TO ADMIT TO PREMISES OR OBSTRUCT THE ENTRY	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-4-602	UNLAW TRANSPORTATION OF ALCOHOL	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-5-201(1)(A)	FAILURE TO OBTAIN RETAIL LICENSE FOR SELL/CONSUMPTION ON PREMISES	MB	Y	\$340	\$0	N	90%	N	Y	C	
32B-5-308(1)(A)	CONSUMING ALCOHOL ON DUTY	IN	Y	\$100	\$0	N	35%	N	Y	C	See 76-3-104(2)
32B-6-706(7)(B)(I)	ALCOHOL OPERATIONAL RESTRICTIONS (BEER)	MB	Y	\$680	\$0	N	90%	N	Y	C	
32B-7-202(2)(B)	UNLAWFUL PURCHASE-OFF PREMISE BEER RETAILER FROM BEER WHOLESALER	MB	Y	\$340	\$0	N	90%	N	Y	C	
34-19-12	DEPUTIZING OF EMPLOYEE PROHIBITED DURING STRIKE OR LOCKOUT	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-28-12	PAYMENT OF WAGES VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-28-12(2)	REFUSE TO PAY WAGES	MB	Y	\$680	\$0	N	90%	N	Y	C	
34-28-4	FAILURE TO NOTIFY EMPLOYEE OF PAYDAY	MB	N	\$680	\$0	N	90%	Y	Y	C	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
34-29-1	SCHOOLTEACHER AGENCY COMMISSION VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-29-20	FALSE EMPLOYMENT STATEMENT	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-29-6	EMPLOYMENT REFERRAL TO UNLAWFUL PLACE	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-30-9	FAILURE TO KEEP OR PRODUCE PUBLIC WORKS RECORDS	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-32-3	PUBLIC EMPLOYERS MAKING WAGE DEDUCTION FOR POLITICAL PURPOSE	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-33-2	UNLAWFUL EMPLOYER MEDICAL EXAM FEE	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-34-17	EMPLOYEE RIGHT TO BARGAIN COLLECTIVELY	MB	N	\$680	\$0	N	90%	Y	Y	C	
34-40-204(2)(A)	VIOLATION OF MINIMUM WAGE ACT	IN	Y	\$170	\$0	N	35%	Y	Y	C	
34-40-204(2)(B)	VIOLATION OF MINIMUM WAGE ACT - 2ND VIOLATION	MC	Y	\$340	\$0	N	35%	Y	Y	C	
34-40-204(2)(C)	VIOLATION OF MINIMUM WAGE ACT - 3RD OR SUBSEQUENT	MB	Y	\$680	\$0	N	90%	Y	Y	C	
34A-2-108	EMPLOYER DEDUCTION OF PREMIUM FROM WAGE VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
34A-2-803	VIOLATION OF JUDGMENT, ORDER OR DECREE	MB	N	\$680	\$0	N	90%	Y	Y	C	
35A-4-103(1)(C)	VOID AGREEMENT CHILD SUPPORT OBLIGATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
35A-8-410	HOUSING ASSISTANCE FRAUD	MB	Y	\$680	\$0	N	90%	N	Y	C	
36-11-301	INTENTIONAL COMPENSATION CONTINGENT	MB	Y	\$680	\$0	N	90%	N	Y	C	
36-11-302	INFLUENCE/INTENTIONAL COMMUNICATION W/LEGISLATORS EMPLOYER	MB	Y	\$680	\$0	N	90%	N	Y	C	
36-11-303	INTENTIONAL COMMUNICATION/FALSE INFO TO PUBLIC OFFICER	MB	Y	\$680	\$0	N	90%	N	Y	C	
38-1-25	ABUSE OF LIEN RIGHT	MB	N	\$410	\$0	N	90%	N	N	C	
39-1-53	MILITARY VIOLATION BY LEAVING STATE	MB	N	\$680	\$0	N	90%	Y	Y	C	
39-7-113	EVICION OF MILITARY SERVICE OR DEPENDENTS VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
39-7-114	INSTALLMENT CONTRACT DURING MILITARY SERVICE VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
39-7-115	MORTGAGE FORECLOSURE PROHIBITED DURING MILITARY SERVICE	MB	N	\$680	\$0	N	90%	Y	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
39-7-117	STORAGE LIEN PROHIBITED DURING MILITARY SERVICE	MB	N	\$680	\$0	N	90%	Y	Y	C	
4-41A-404(4)(A)	TRANSPORT MED CANNABIS W/O REQUIRED MANIFEST	IN	N	\$100	\$0	N	35%	N	Y	C	
4-44-104	UNLAWFUL PREP/DIST/SALE/OFFER OF KRATOM PRODUCT	MC	Y	\$200	\$0	N	35%	Y	Y	C	
4-44-105	UNLAWFUL PREP/DIST/SALE/OFFER OF KRATOM PRODUCT TO MINOR	MC	Y	\$450	\$0	N	35%	Y	Y	C	
4-44-201	VIOLATION OF AGRICULTURE NUISANCE JUDGMENT/ORDER	MB	Y	\$680	\$0	N	90%	Y	Y	C	
40-1-11	INTERFERING WITH NOTICES, STAKES OR MONUMENTS	MB	Y	\$100	\$0	N	90%	N	Y	C	
41-12A-302	OPERATING VEHICLE WITHOUT INSURANCE	MC	Y	\$400	\$300	Y	0%	Y	Y	C	May be dismissed upon proof that valid insurance was in effect for
41-12A-302(1)(A)(II)	NO INSURANCE 2ND OR SUBSEQUENT OFFENSE WITHIN 3 YRS OF PRIOR	MC	Y	\$1,000	\$300	Y	0%	Y	Y	C	May be dismissed upon proof that valid insurance was in effect for
41-12A-303.2	NO PROOF OF INSURANCE	IN	Y	\$400	\$0	Y	0%	Y	Y	C	May be dismissed upon proof that valid insurance was in effect for
41-12A-303.2(2)	NO PROOF OF INSURANCE	IN	Y	\$400	\$0	Y	0%	Y	Y	C	May be dismissed upon proof that valid insurance was in effect for
41-12A-303.2{2}	NO PROOF OF INSURANCE - 2ND OR SUBSEQUENT OFFENSE	IN	Y	\$1,000	\$0	Y	0%	Y	Y	C	May be dismissed upon proof that valid insurance was in effect for
41-12A-303.3	PROVIDE FALSE EVIDENCE OF INSURANCE	MC	Y	\$410	\$0	Y	0%	N	Y	C	
41-12A-601	COLLUSIVE TRANSFER OF MOTOR VEHICLE REGISTRATION	MC	N	\$340	\$0	N	35%	N	Y	C	
41-12A-603	OPERATE VEH W/O LICENSE OR REGIST (SUSPENDED OR REVOKED)	MC	N	\$90	\$0	Y	0%	N	Y	C	
41-12A-804(5)	FALSE OR FRAUDULENT STATEMENT TO DMV	MB	Y	\$570	\$0	Y	0%	N	N	C	
41-1A-1005.3	RESALE OF SALVAGE VEHICLE	IN	Y	\$340	\$0	N	35%	N	N	C	
41-1A-1005.5(2)	FAIL TO OBTAIN NONREPAIRABLE CERTIFICATE OF SELL NONREP VEH	MB	Y	\$680	\$0	N	90%	N	N	C	
41-1A-1005.5(6)	REPAIR, RECONSTRUCT, OR RESTORE A NONREPAIRABLE VEHICLE	IN	Y	\$340	\$0	N	35%	N	N	C	
41-1A-1010	PERMIT REQUIRED TO DISMANTLE VEHICLE	IN	Y	\$280	\$0	Y	0%	N	N	C	
41-1A-1101(6)	UNAUTHORIZED PERSON OPERATE VEHICLE IN IMPOUND LOT	MC	N	\$340	\$0	Y	0%	N	N	C	
41-1A-116	KNOWING, INTENTIONAL ACCESS DISSEMINATE DMV RECORDS UNLAWFUL	MB	Y	\$650	\$0	N	90%	N	Y	C	
41-1A-1206	IMPROPER REGISTRATION OF FARM TRUCK	IN	N	\$200	\$0	Y	0%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-1A-1303	FAILURE TO REGISTER OR EXPIRED VEHICLE REGISTRATION	IN	N	\$50	\$10	Y	0%	N	Y	C	
41-1A-1303(1)	FAILURE TO REGISTER OR EXPIRED VEHICLE REGISTRATION	IN	N	\$50	\$10	Y	0%	N	N	C	
41-1A-1303(1)(A)	FAILURE TO REGISTER VEHICLE OR APPLY FOR TITLE	IN	N	\$50	\$10	Y	0%	N	N	C	
41-1A-1303(1)(B)	FAILED TO REGISTER OR EXPIRED REGISTRATION	IN	N	\$50	\$10	Y	0%	N	Y	C	
41-1A-1303.5	NO REGISTRATION - NEW UTAH RESIDENT	MC	N	\$1,000	\$800	Y	0%	N	N	C	
41-1A-1304	OPERATE VEHICLE IN EXCESS OF GROSS WEIGHT REGISTRATION	IN	N	\$90	\$0	Y	0%	N	N	C	
41-1A-1305	USING PLATES REGISTERED TO ANOTHER VEHICLE	MC	N	\$110	\$0	Y	0%	N	Y	C	
41-1A-1305(1)	BREAK OR REMOVE DEVICE HOLDING LICENSE PLATE OR REGIST CARD	MC	N	\$110	\$0	Y	0%	N	Y	C	
41-1A-1305(10)	MFG/USE/DISPLAY FACSIMILE/REPRODUCE LIC PLATE	MC	N	\$110	\$0	Y	0%	N	Y	C	
41-1A-1305(11)	FAIL TO RETURN CANCELED,SUSP,REVOKED PLATES,REG CARD,PERMIT	MC	N	\$170	\$0	N	35%	N	Y	C	
41-1A-1305(2)	REMOVE PLATE/REGISTRATION FROM VEHICLE	MC	N	\$110	\$0	Y	0%	N	Y	C	
41-1A-1305(3)	DISPLAY PLATE/REG ON INCORRECT VEHICLE	MC	N	\$110	\$0	Y	0%	N	Y	C	
41-1A-1305(4)	IMPROPER REGISTRATION/PLATE	MC	N	\$110	\$0	Y	0%	N	Y	C	
41-1A-1305(5)	OPER VEHICLE ON HIGHWAY W/O LIC PLATES ATTACHED AND REG IN VEH	MC	N	\$170	\$0	N	35%	N	Y	C	
41-1A-1305(7)	INTEND/KNOW THAT ACT WOULD INJURE PERSON, DEPRIVE OR DEFRAUD	MC	N	\$110	\$0	Y	0%	N	Y	C	
41-1A-1306	ABUSE OF DISABILITIES PARKING PRIVILEGES	IN	N	\$125	\$100	Y	0%	N	N	C	
41-1A-1307	OPERATION OF MOTOR VEHICLES WITHOUT PAYMENT OF FEES	IN	N	\$280	\$0	Y	0%	N	Y	C	
41-1A-1309	BOARDING VEHICLE WITH INTENT TO COMMIT CRIMINAL MISCHIEF	MC	Y	\$340	\$0	N	35%	N	Y	C	
41-1A-1310(1)(A)	FAIL TO ENDORSE & DELIVER TITLE NON DEALER	IN	N	\$260	\$0	Y	0%	N	Y	C	
41-1A-1310(1)(B)	NO ODOMETER DISCLOSURE STATEMENT	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-1310(2)(A)	OPERATE VEHICLE WITH DISCONNECTED ODOMETER	MB	N	\$50	\$0	Y	0%	N	N	C	
41-1A-1310(2)(B)	OFFER,SALE,USE,INSTALL IMPROPER ODOMETER (ALTERED)	MB	Y	\$110	\$0	Y	0%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-1A-1310(2)(C)	FAIL TO ADJUST ODOMETER OR AFFIX NOTICE AS REQUIRED	MB	Y	\$110	\$0	Y	0%	N	N	C	
41-1A-1310(2)(D)	REMOVE OR ALTER NOTICE OF ODOMETER ADJUSTMENT	MB	Y	\$110	\$0	Y	0%	N	Y	C	
41-1A-1310(2)(E)	ACCEPT OR GIVE INCOMPLETE ODOMETER STATEMENT	MB	N	\$50	\$0	Y	0%	N	Y	C	
41-1A-1310(3)	FAIL TO RECORD ODOMETER READING ON TITLE	MC	N	\$50	\$0	Y	0%	N	N	C	
41-1A-1320(1)	TAX CLEARANCE REQD TO MOVE MANUFACTURED HOME OR MOBILE HOME	MB	Y	\$570	\$0	Y	0%	N	Y	C	
41-1A-201	DRIVING WITHOUT REGISTRATION	IN	N	\$50	\$0	Y	0%	N	Y	C	May be dismissed if citation was issued within 2 months of
41-1A-202	NEW RESIDENT FAILURE TO REGISTER VEHICLE W/IN 60 DAYS	MC	N	\$1,000	\$800	Y	0%	N	N	C	
41-1A-202(3)	NEW RESIDENT FAILURE TO REGISTER VEHICLE W/IN 60 DAYS	MC	N	\$1,000	\$800	Y	0%	N	N	C	
41-1A-205(1)	ATV SAFETY INSPECTION REQUIRED FOR 1ST TIME REGISTRATION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-205(2)	SALVAGE VEHICLE SAFETY INSPECTION REQUIRED ON REGISTRATION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-214	REGISTRATION CARD TO BE EXHIBITED	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-218	FAIL TO CHANGE ADDRESS WITH MOTOR VEHICLE DEPT W/IN 10 DAYS	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-220	LOST OR DAMAGED REGISTRATION CARD	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-221	VEHICLE REGISTRATION FOR POLITICAL/STATE	IN	N	\$280	\$0	Y	0%	N	N	C	
41-1A-229	FAILURE TO DISPLAY GROSS WEIGHTS	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-229(3)	IMPROPER GROSS WEIGHT DISPLAYED	IN	N	\$110	\$0	Y	0%	N	N	C	
41-1A-301	NO TRIP PERMIT/NO UT APPORTION	IN	N	\$110	\$0	Y	0%	N	N	C	
41-1A-401	LICENSE PLATES VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-401(1)(B)	LIC PLT REMOVE FROM REG VEH, USED ON OTH	IN	Y	\$280	\$0	Y	0%	N	Y	C	
41-1A-402	REQUIRED COLORS/NUMERALS/LETTERS NOT VISIBLE (LIC PLATE)	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-402(1)(A)	REQUIRED COLORS/ NUMERALS/ LETTERS NOT VISIBLE (LIC PLATE)	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-402(6)	FAIL TO DISPLAY VALIDATION DECAL	IN	N	\$50	\$0	Y	0%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-1A-403	PLATES TO BE VISIBLE FROM 100 FT	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-404(1)	LOCATION/POSITION OF PLATES	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-404(1)(C)	LICENSE PLATE TO DISPLAY REGISTRATION DECAL AND EXPIRATION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-404(3)(B)(I)	LICENSE PLATES-FREE FROM FOREIGN MATERIAL	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-404(3)(B)(II)	LICENSE PLATE TO BE IN A PLACE AND POSITION CLEARLY VISIBLE	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-414(3)(A)	ACCESSIBLE PARKING SPACE VIOLATION	MC	N	\$340	\$0	Y	0%	N	N	C	
41-1A-701	FAIL TO REMOVE PLATES TRANSFER OWNERSHIP	IN	N	\$280	\$0	Y	0%	N	Y	C	
41-1A-702(3)	FAIL TO DELIVER TITLE	IN	Y	\$280	\$0	Y	0%	N	Y	C	
41-1A-703	NEW OWNER TO SECURE REGISTRATION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-704	FAILURE TO SECURE NEW LICENSE PLATES	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-704(1)	OPERATING VEHICLE WITHOUT TRANSFERRING NEW LICENSE PLATES	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-704(2)	DRIVING >75 MILES BEFORE TRANSFERRING PLATES ON VEHICLE	IN	N	\$50	\$0	Y	0%	N	N	C	
41-1A-705	UNLAWFUL SELL, OFFER, DISPLAY FOR SALE OR EXCHANGE VEHICLE	MB	Y	\$390	\$0	N	90%	N	Y	C	
41-1A-705(2)	UNLAWFUL SELL, OFFER, DISPLAY FOR SALE OR EXCHANGE VEHICLE	MB	Y	\$390	\$0	N	90%	N	N	C	
41-1A-712	FOREIGN VEHICLE DISCLOSURE REQUIREMENTS	MB	N	\$570	\$0	Y	0%	N	N	C	
41-1A-803	ID NUMBER ON VEHICLE/OUTBOARD MOTOR	IN	Y	\$280	\$0	Y	0%	N	N	C	
41-1A-803(4)	ALTERED HULL ID NUMBER OR OUTBOARD MOTOR SERIAL NUMBER	MC	Y	\$880	\$0	N	35%	N	Y	C	
41-1A-904	DEALER TO RETAIN ODOMETER RECORDS FOR 4 YEARS AFTER TRANSFER	IN	Y	\$280	\$0	Y	0%	N	Y	C	
41-22-10.1(1)	OPER OHV ON PUB LAND, STREET, HIGHWAY NOT DESIG/POSTED AS OPEN	IN	N	\$820	\$0	N	35%	N	N	C	
41-22-10.2	OPERATE OHV ON OR WITHIN BOUNDARIES OF INTERSTATE FREEWAY	IN	N	\$110	\$0	Y	0%	N	N	C	
41-22-10.3	OPERATE OHV ON STREET OR HIGHWAY NOT DESIGNATED OPEN	IN	N	\$290	\$0	N	35%	N	N	C	
41-22-10.7(1)(A)	OPERATE WITHOUT ADEQUATE BRAKES	IN	N	\$50	\$0	Y	0%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-22-10.7(1)(B)	OPERATE WITHOUT LIGHTS AFTER SUNSET	IN	N	\$50	\$0	Y	0%	N	N	C	
41-22-10.7(1)(C)	OPERATE WITHOUT MUFFLER OR SPARK ARRESTER	IN	N	\$110	\$0	Y	0%	N	N	C	
41-22-10.7(1)(D)	OPERATE WITHOUT FLAG ON DESIGNATED SAND DUNES	IN	N	\$110	\$0	Y	0%	N	N	C	
41-22-10.8	OPERATE OHV WITHOUT PROPER HEADGEAR	IN	N	\$50	\$0	Y	0%	N	N	C	
41-22-10.8(1)	UNDER 18 YRS AND OPERATING OHV WITHOUT A HELMET	IN	N	\$50	\$0	Y	0%	N	N	C	
41-22-10.8(2)	GAVE PERMISSION TO OPERATE/RIDE AN OHV W/O HELMET UNDER 18	IN	N	\$50	\$0	Y	0%	N	N	C	
41-22-11	PLACED AN OHV REGULATORY SIGN WITHOUT AUTHORIZATION	IN	Y	\$630	\$0	Y	0%	N	N	C	
41-22-12(2)	TEAR DOWN, MUTIL, DEST SIGN BOARD, FENCE REGUL OHV PUBL LAND	IN	Y	\$280	\$0	Y	0%	N	Y	C	
41-22-12.1	OPERATED A WHEELED VEHICLE IN EXCESS OF 800 POUNDS ON A MAIN	IN	Y	\$630	\$0	N	35%	N	N	C	
41-22-12.2	OPERATE/GAVE PERM TO OPER A MOTOR VEH ON UNDESIG PUBL LANDS	IN	Y	\$110	\$0	Y	0%	N	N	C	
41-22-12.5(1)(A)	OPERATE/ACCOMP A PERSON OPER MOTOR VEH ON PVT LAND W/O PERM	IN	Y	\$110	\$0	Y	0%	N	N	C	
41-22-12.5(1)(B)	OPERATOR OF OHV ON PRIVATE LAND REFUSE TO LEAVE UPON REQUEST	MC	Y	\$110	\$0	Y	0%	N	N	C	
41-22-12.5(2)	OBSTRUCTED ACCESS WITHOUT PERMISSION	IN	Y	\$110	\$0	Y	0%	N	Y	C	
41-22-12.5(3)	TEAR DOWN, MUTIL, DEST SIGN BOARD, FENCE REG MOT VEH TRESPASS	MC	Y	\$280	\$0	Y	0%	N	Y	C	
41-22-12.7	UNLAWFUL MOTOR VEHICLE USE ON PUBLIC OR PRIVATE PROPERTY	MC	Y	\$300	\$0	Y	0%	N	Y	C	
41-22-12.7(3)	UNLAWFUL MOTOR VEHICLE USE ON PUBLIC/PRIVATE PROP W/IN 5 YRS	MC	Y	\$600	\$0	Y	0%	N	Y	C	
41-22-13	PROHIBITED OHV USE- VANDALISM/HARASSMENT/BURGLARY/DAMAGE	IN	Y	\$350	\$0	N	35%	N	Y	C	
41-22-13{1}	OPERATED OHV IN CONNECTION WITH EXCESSIVE MECHANICAL NOISE	IN	Y	\$170	\$0	N	35%	N	N	C	
41-22-15	HELD AN ORGANIZED EVENT WITHOUT PROPER AUTHORIZATION	IN	Y	\$630	\$0	N	35%	N	N	C	
41-22-29	UNDER 8 YRS AND OPERATE AN OHV ON PUBLIC LANDS	IN	N	\$50	\$0	Y	0%	N	N	C	
41-22-3(1)(A)	OPERATED OR TRANSPORTED W/O CURRENT REGISTRATION	IN	N	\$90	\$10	Y	0%	N	N	C	\$10 suspended upon compliance
41-22-3(1)(B)	DEALER SOLD OHV W/O CURRENT REGISTRATION	IN	N	\$70	\$0	Y	0%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-22-3(4)(B)(II)	FAILURE TO DISPLAY REGISTRATION STICKER	IN	N	\$60	\$5	Y	0%	N	N	C	\$5 suspended upon compliance
41-22-3(4)(C)	NO REGISTRATION CARD ON OHV	IN	N	\$90	\$0	Y	0%	N	N	C	May be dismissed upon proof of valid registration at time of
41-22-30(2)(B)(I)	OPERATE-GIVE PERMISSION TO OPERATE W/O OHV SAFETY CERTIFICATE	IN	N	\$100	\$0	Y	0%	N	N	C	
41-22-30(2)(B)(II)	< 18 OPERATING OHV ON PUBLIC HWY WITHOUT DIRECT SUPERVISION	IN	N	\$100	\$0	Y	0%	N	N	C	
41-22-35	NON-RESIDENT OPERATING AN OHV WITHOUT USER FEE	IN	N	\$150	\$5	N	35%	N	N	C	
41-22-35(5)(D)	FAILURE OF AGENT TO REPORT SALES AND SUBMIT FEES COLLECTED	MC	Y	\$340	\$0	N	35%	N	Y	C	
41-22-4(1)(A)	FRAUDULENT APPLICATION FOR OHV REG	MC	Y	\$750	\$0	N	35%	N	Y	C	
41-22-4(1)(B)	ALTER /DEFACE / REMOVE MANUFACTURERS SERIAL NUMBER ON OHV	MC	Y	\$750	\$0	N	35%	N	Y	C	
41-22-4(1)(C)	FRAUDULENT USE OR DISPLAY OF OHV REGISTRATION	MC	Y	\$340	\$0	N	35%	N	Y	C	
41-22-4(1)(D)	ALTERED OR DEFACED REGISTRATION STICKER OR CARD	MC	Y	\$340	\$0	N	35%	N	Y	C	
41-22-5.5(1)(A)	FRAUDULENT APPLICATION FOR OHV IMPLEMENT OF HUSBANDRY REGIST	IN	Y	\$750	\$0	N	35%	N	Y	C	
41-22-5.5(1)(B)	IMPROPER RECREATIONAL USE OF A IMPLEMENT OF HUSBANDRY	IN	N	\$150	\$10	N	35%	N	N	C	
41-22-5.5(1)(C)	IMPROPER DISPLAY OF IMPLEMENT OF HUSBANDRY REGIST STICKER	IN	N	\$120	\$5	N	35%	N	N	C	
41-22-5.5(3)	OPERATE WITHOUT IMPLEMENT OF HUSBANDRY REGISTRATION	IN	N	\$150	\$10	N	35%	N	N	C	
41-22-5.5(4)	IMPROPER USE OF A REGISTERED OHV IMPLEMENT OF HUSBANDRY	IN	N	\$50	\$0	Y	0%	N	N	C	
41-22-5.5(5)	OPERATE IMPLEMENT OF HUSBANDRY ALONG AN INTERSTATE FREEWAY	IN	N	\$170	\$0	N	35%	N	N	C	
41-3-201.5	BROKERING OF NEW OR USED MOTOR VEHICLE WITHOUT LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
41-3-201.5(1)(A)	BROKERING OF NEW OR USED MOTOR VEHICLE WITHOUT LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
41-3-203	FAIL TO DELIVER DEALER CARD	MB	N	\$160	\$0	Y	0%	N	Y	C	
41-3-210	VARIOUS DEALER VIOLATIONS	MB	N	\$160	\$0	Y	0%	N	N	C	
41-3-210(1)(A)	MISLEADING OR INACCURATE ADS BY LICENSED DEALER	MB	N	\$160	\$0	Y	0%	N	Y	C	
41-3-210(1)(B)	DEALER ADVERTISING WITHOUT NAME AND LICENSE NUMBER	MB	N	\$160	\$0	Y	0%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-3-210(1)(G)	ENGAGE IN UNLICENSED BUSINESS OF MOTOR VEH SALES OR EXCHANGE	MB	N	\$160	\$0	Y	0%	N	Y	C	
41-3-210(1)(N)	DEALER SELLING VEHICLE FROM UNLICENSED LOCATION	MB	N	\$160	\$0	Y	0%	N	Y	C	
41-3-210(1)(R)	ALTER TEMPORARY PERMIT	MB	N	\$160	\$0	Y	0%	N	N	C	
41-3-210(3)	FAILURE TO MAINTAIN RECORDS BY DEALER	MB	N	\$160	\$0	Y	0%	N	N	C	
41-3-210(6)	ASSISTING AN UNLICENSED DEALER	MB	N	\$160	\$0	Y	0%	N	Y	C	
41-3-211	UNLAWFUL MOTOR VEHICLE ACTS	MB	N	\$570	\$0	Y	0%	N	Y	C	
41-3-301	FAIL TO DELIVER TITLE (DEALER)	MB	Y	\$680	\$0	N	90%	N	Y	C	
41-3-303	EMISSION REQUIRED BEFORE DEALER ISSUANCE OF TEMPORARY PERMIT	MB	N	\$340	\$0	Y	0%	N	N	C	
41-3-304(2)(B)	DEALER TO RETURN TEMPORARY PLATES TO DIVISION	MB	Y	\$680	\$0	N	90%	N	Y	C	
41-3-305	IN-TRANSIT PERMIT - EXPIRED	MC	Y	\$280	\$0	Y	0%	N	N	C	
41-3-401	NO DISCLOSURE	MB	Y	\$650	\$0	N	90%	N	N	C	
41-3-402(1)	PAY OFF OF LIEN ON MOTOR VEHICLE TRADED IN	MB	Y	\$650	\$0	N	90%	N	N	C	
41-3-405	FAIL TO PAY WARRANTY OR SERVICE CONTRACT	MB	Y	\$240	\$0	N	90%	N	N	C	
41-3-408	RESALE OF BUYBACK/NON CONFORMING VEHICLE	MB	Y	\$590	\$0	N	90%	N	N	C	
41-3-501	SPECIAL PLATES - DEALERS/DISMANTLERS	MB	N	\$110	\$0	Y	0%	N	N	C	
41-3-501(2)	SPECIAL PLATES/ DISMANTLERS - PLACE OF PURCHASE/DISPOSAL	MB	N	\$110	\$0	Y	0%	N	N	C	
41-3-501(2)(A)	SPECIAL PLATES TRANSPORT FOR DISMANTLING	MB	N	\$110	\$0	Y	0%	N	N	C	
41-3-501(2)(B)	SPECIAL PLATES DISMANTLERS TO TRANSPORT TO LICENSED CRUSHER	MB	N	\$110	\$0	Y	0%	N	N	C	
41-3-501(5)	MISUSE OF DEALER/DISMANTLER PLATES	MB	Y	\$110	\$0	Y	0%	N	Y	C	
41-3-502	NO LOAD PERMIT FOR DEALER	MB	Y	\$570	\$0	Y	0%	N	N	C	
41-3-504	FAIL TO DISPLAY DEALER PLATES	MB	N	\$60	\$0	Y	0%	N	N	C	
41-3-506	SPECIAL PLATE (EXPIRED)	MB	N	\$110	\$0	Y	0%	N	N	C	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-3-508	FAILURE TO RETURN PLATES OR PERMITTING CONTINUED USE	MB	N	\$60	\$0	Y	0%	N	N	C	
41-3-803(4)(A)	CONSIGNMENT SALES VIOLATION	MB	Y	\$570	\$0	Y	0%	N	Y	C	
41-6A-1001	PEDESTRIAN TO OBEY TRAFFIC CONTROL DEVICE	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1002	YIELD TO PEDESTRIAN'S RIGHT OF WAY	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1002(1)	FAIL TO YIELD TO PED WHEN TRAFFIC SIGNAL NOT OPERATING	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1002(1)(C)	PEDESTRIAN MAY NOT WALK OR RUN IN THE PATH OF A VEHICLE	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1002(2)	YIELD TO PEDESTRIAN'S RIGHT OF WAY - SCHOOL CROSSWALK	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1002(3)	PASSING A VEHICLE STOPPED AT A MARKED, UNMARKED CROSSWALK	IN	N	\$340	\$0	N	35%	N	N	C	
41-6A-1003	PEDESTRIANS YIELDING RIGHT-OF-WAY	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1004	EMERGENCY VEHICLE-PEDESTRIAN TO YIELD	IN	N	\$120	\$0	N	35%	N	Y	C	
41-6A-1005	PEDESTRIAN VIOLATION AT RAILROAD	IN	Y	\$150	\$0	N	35%	N	N	C	
41-6A-1005(2)	PEDESTRIAN PASS THROUGH OR AROUND ACTIVE CROSSING GATE	IN	Y	\$150	\$0	N	35%	N	Y	C	
41-6A-1005(3)	ENTER AREA BETWEEN RR TRACK AND SIGN IF CROSSING IS ACTIVE	IN	Y	\$150	\$0	N	35%	N	N	C	
41-6A-1005(4)	OCCUPYING RR GRADE CROSSING WHEN RR SIGN NOT ACTIVE	IN	Y	\$150	\$0	N	35%	N	N	C	
41-6A-1005(5)	REMAIN BETWEEN RR SIGN IF RR CROSSING SIGN IS ACTIVE	IN	Y	\$150	\$0	N	35%	N	N	C	
41-6A-1006	NEGLIGENTLY FAIL TO AVOID PEDESTRIAN	IN	N	\$120	\$0	N	35%	Y	Y	C	
41-6A-1007	FAILURE TO YIELD TO BLIND PEDESTRIAN	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1008	FAILURE TO YIELD AT A SIDEWALK	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1009	PROHIBITED ACTIVITIES BY PEDESTRIAN USING ROADWAY	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(1)	PEDESTRIAN WALKING IN ROAD WITH SIDEWALK AVAILABLE	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(A)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK TRAFFIC	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(A)(I)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK AN INTERSTATE SYSTEM	IN	N	\$340	\$0	Y	0%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1009(4)(A)(II)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A FREEWAY	IN	N	\$340	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(A)(III)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A STATE HIGHWAY	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(A)(IV)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A STATE ROUTE	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(A)(V)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A HIGHWAY	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(B)(I)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK SHOULDER AREAS	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(B)(II)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK ON RAMP	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(B)(III)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK OFF RAMP	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(B)(IV)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A DIVIDED HIGHWAY	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(D)(I)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK TRAFFIC TAKING CONTROL OF MONEY	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(4)(D)(II)	DRIVER MAY NOT IMPEDE OR BLOCK TRAFFIC TRANSACTING MONEY FROM PEDESTRIAN	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(5)	INTOXICATED PEDESTRIAN MAY NOT WALK ON HWY MUST USE SIDEWALK	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(6)	PEDESTRIAN ON ROADWAY TO YIELD RIGHT OF WAY TO ALL VEHICLES	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(7)	PEDESTRIAN WALKING ON OR ALONG NO ACCESS FREEWAY	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(8)(B)	ENGAGE IN CONDUCT TO CAUSE INDIVIDUAL FEAR OF HARM	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(8)(C)	ENGAGE IN CONDUCT TO INTIMIDATE INTO GIVING MONEY OR GOODS	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(8)(D)	ENGAGE IN CONDUCT TO BLOCK PATH OF INDIVIDUAL	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(8)(E)	PHYSICAL CONTACT W/INDIVIDUAL OR PROPERTY W/OUT CONSENT	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-1009(9)(B)	PROHIBITED ACTIVITIES BY PEDESTRIAN USING ROADWAY 3RD OR SUBSEQUENT	MC	Y	\$340	\$0	Y	0%	N	Y	C	
41-6A-1101	PARENT/GUARD ALLOW VIOLATION OF BICYCLE REGISTRATION	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1103	CARRYING MORE PERSONS THAN DESIGN PERMIT	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1104	ATTACHING BIKE, SLED, ETC TO MOVING VEHICLE	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1105	OPERATION OF BICYCLE OR MOPED ON AND USE OF ROADWAY	IN	N	\$40	\$0	Y	0%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1105(2)	BIKE/MOPED ON HWY TO OPERATE IN SAME DIRECTION OF TRAFFIC	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1106	BICYCLES YIELD TO PEDESTRIANS ON WALKWAY	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1106(1)	BICYCLE/HUMAN PROPEL DEVICE TO YIELD/SIGNAL TO PEDESTRIANS	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1106(2)	BICYCLE/HUMAN PROPEL DEVICE NOT TO OPERATE WHERE PROHIBITED	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1106(3)	OPERATE BICYCLE/HUMAN PROPELLED DEVICE IN A NEGLIGENT MANNER	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1106(3)(B)(II)	OPERATE HUMAN POWERED VEHICLE IN NEGLIGENT MANNER	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1106(4)	OPERATING BICYCLE/HUMAN PRPLD DEV AT SPEED > REASONABLE	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1107	BICYCLE PARKING	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1108	BICYCLES/MOPEDS - TURNS	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1109	BICYCLES/MOPEDS - SIGNALS	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1110	REQ BICYCLE OR MOPED INSPECT BY POLICE	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1112	CARRYING A BUNDLE ON BIKE / ONE HAND ON HANDLE BARS	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1112(2)	BIKE OPERATOR W/OUT HANDS ON BIKE	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1113	BICYCLE EQUIPMENT/REQ & PROHIBITED	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1114	BICYCLE LAMPS & REFLECTORS REQUIRED	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1115	MOTOR ASSISTED SCOOTERS RESTRICTIONS	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115(2)	MOTOR ASSISTED SCOOTER - AGE RESTRICTION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115(3)	UNDER 8 YRS NOT TO OPERATE MOTOR ASSISTED SCOOTER W/MOTOR ON	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115(4)	MOTOR ASSISTED SCOOTER - GEN RESTRICTION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115(6)	AUTHORIZE MOTOR ASSISTED SCOOTER	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115.5(4)	< 16 OPERATING CLASS 3 ELECTRIC ASSISTED BICYCLE	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115.5(5)	< 14 OPERATE ELECTRIC ASST BIKE W/MOTOR ENG W/OUT SUPERVISION	IN	N	\$50	\$0	Y	0%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1115.5(6)	< 8 OPERATING ELECTRIC ASSISTED BICYCLE W/MOTOR ENGAGED IN PUBLIC	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115.5(7)	OWNER MAY NOT AUTHORIZE OPERATION OF ELECTRIC ASSISTED BICYCLE	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115.5(8)(A)	DISTRIBUTOR TO PERMANENTLY AFFIX LABEL ON ELECTRIC ASSISTED BICYCLE	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1115.5(8)(B)	MANUFACT/DISTRIBUTOR ENSURE AFFIXED LABEL IN ARIAL 9 PT OR LARGER	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1116(2)	MOTORIZED MOBILITY DEVICE - AGE RESTRICTION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1116(3)	MOTORIZED MOBILITY DEVICE - GENERAL RESTRICTIONS	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1116(4)	MOTORIZED MOBILITY DEVICE - OWNER RESPONSIBILITY	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1117(1)	MINI-MOTORCYCLE ON PUBLIC PROPERTY	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1117(2)	OWNER MAY NOT AUTHORIZE MINI-MOTORCYCLE	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1119	PERSONAL DELIVERY DEVICE VIOLATION	IN	N	\$150	\$0	N	35%	N	N	C	
41-6A-1120	UNLAWFULLY OPERATING A MOBILE CARRIER DEVICE	IN	N	\$225	\$0	N	35%	N	N	C	
41-6A-1201	DRIVE ON RR TRACKS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-1202	DRIVE THROUGH SAFETY ZONE - RR TRACKS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-1203	RAILROAD GATE CROSSING	IN	Y	\$150	\$0	N	35%	Y	N	C	
41-6A-1203(2)	FAILURE TO STOP OR REMAIN STOPPED AT RR CROSSING	IN	Y	\$150	\$0	N	35%	Y	N	C	
41-6A-1203(4)	VEHICLE RAILROAD CROSSING VIOLATION	IN	Y	\$150	\$0	N	35%	Y	N	C	
41-6A-1203(4)(A)	DRIVE VEHICLE THROUGH, AROUND, OR UNDER A RR CROSSING GATE	IN	Y	\$150	\$0	N	35%	Y	N	C	
41-6A-1203(4)(B)	CAUSE A NON-RAIL VEHICLE TO PASS THROUGH, AROUND RR BARRIER	IN	Y	\$150	\$0	N	35%	Y	N	C	
41-6A-1203(4)(C)	CAUSE A NON-RAIL VEHICLE TO PASS THROUGH, UNDER RR RAIL	IN	Y	\$150	\$0	N	35%	Y	N	C	
41-6A-1204	OPERATE TRAIN IN MANNER TO PREVENT VEHICLE USE OF ROAD	IN	N	\$150	\$0	N	35%	N	N	C	
41-6A-1205	BUS/TRUCK NO STOP AT RR CROSSING	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1205(1)	CMV FAIL TO SLOW DOWN AND CHECK CLEARING	IN	N	\$150	\$0	N	35%	Y	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1205(1)(B)	CMV STOP WITHIN 50 FT OF RR CROSSING	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1205(1)(C)	CMV FAIL TO OBEY TRAFFIC DEVICE OR OFFICER AT RR CROSSING	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1205(1)(D)(I)	CMV FAIL TO OBEY RR SPACE VEHICLE TOO LA	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1205(1)(D)(II)	CMV RR CLEARANCE TOO LOW TO CLEAR TRACKS	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1205(2)(A)	CMV FAILURE TO STOP BEFORE CROSSING RR/HWY	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1206	ILLEGAL VEHICLE CROSSING RR TRACKS	IN	N	\$110	\$0	N	35%	N	N	C	
41-6A-1301	SCHOOL BUS TO DISPLAY LIGHTING AND SPECIAL WARNING DEVICES	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1302(2)	FAILURE TO OBSERVE FLASHING AMBER / RED LIGHTS ON SCHOOL BUS	MC	N	\$250	\$0	N	35%	Y	N	C	10 hours compensatory service
41-6A-1302(2)(A)	FAILURE TO OBSERVE FLASHING AMBER LIGHTS ON SCHOOL BUS	MC	N	\$250	\$0	N	35%	Y	N	C	10 hours compensatory service
41-6A-1302(2)(B)	FAILURE TO OBSERVE FLASHING RED LIGHTS ON SCHOOL BUS	MC	N	\$250	\$0	N	35%	Y	N	C	10 hours compensatory service
41-6A-1302(4)(A)	SCHOOL BUS OPERATOR FAILING TO USE FLASHING RED LIGHTS	IN	N	\$100	\$0	Y	0%	Y	N	C	
41-6A-1302(5)	OPERATOR OF SCHOOL BUS TO HAVE HEADLIGHTS ON	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1302{2ND OFF}	FAILURE TO STOP FOR SCHOOL BUS 2ND OFFENSE	MC	Y	\$500	\$0	N	35%	Y	N	C	20 hours compensatory service
41-6A-1302{3RD OFF}	FAIL TO STOP FOR SCHOOL BUS 3 OR MORE OFFENSES W/IN 3 YRS	MC	Y	\$1,000	\$0	N	35%	Y	N	C	40 hours compensatory service
41-6A-1307(4)	SCHOOL BUS PARKING ZONE VIOLATION	IN	N	\$110	\$0	Y	0%	N	N	C	
41-6A-1401	PARKING, STOP OR STAND ON SIDEWALK OR WITHIN CROSSWALK	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)	STAND/PARK VEH EDGE/CURB OR STREET	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)(I)	PARK ON ROADWAY SIDE OF VEHICLE PARKED AT STREET CURB	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)(II)	STAND/PARK VEHICLE ON SIDEWALK	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)(III)	STAND OR PARK VEHICLE WITHIN AN INTERSECTION	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)(IV)	STAND/PARK VEH-CROSSWALK	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)(IX)	STANDING OR PARKING VEHICLE ON CONTROLLED-ACCESS HIGHWAY	IN	N	\$40	\$0	Y	0%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1401(1)(A)(VI)	STAND OR PARK VEHICLE TO OBSTRUCT TRAFFIC	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)(VII)	STAND OR PARK VEHICLE ON BRIDGE OR ELEVATED STRUCTURE ON HWY	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)(VIII)	STANDING OR PARKING VEHICLES ON ANY RAILROAD TRACKS	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(A)(XI)	STOP, STAND, PARK VEHICLE WHERE TRAFFIC CTRL DEV PROHIBITS	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(B)	STAND OR PARK VEHICLE	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(B)(I)	STANDING OR PARKING VEHICLE ON PUBLIC/PRIVATE DRIVEWAY	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(B)(II)	PARK WITHIN 15 FT OF FIRE HYDRANT	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(B)(III)	PARK WITHIN 20 FEET OF A CROSSWALK	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(B)(IV)	PARK WITHIN 30 FEET UPON APPROACH TO TRAFFIC SIGN, SIGNAL	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(B)(V)	PARK WITHIN 20 FT OF FIRE STATION DRIVEWAY OR 75 FT OPPOSITE	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(B)(VI)	PARK, STAND ANY PLACE WHERE TRAFFIC-CONTROL DEVICE PROHIBITS	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1401(1)(B)(VII)	PARKING IN RESERVED SPACE AT CAPITOL HILL COMPLEX	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1402	STOP/PARK ON ROADWAYS	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1402(1)	FAIL TO PARK ON ROADWAY WITH RIGHT HAND WHEELS IN POSITION	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1402(2)	FAIL TO PARK PROPERLY ON 1-WAY STREET	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1402(3)(B)	ANGLE PARKING ON FEDERAL-AID OR STATE HWY NOT PERMITTED	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1402(4)(B)	STOP, STAND OR PARK VEHICLE ON HWY WHERE PROHIBITED	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1403	FAIL TO SECURE PARKED VEHICLE	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1404	STOP/PARK OUTSIDE BUSINESS OR RESIDENTIAL DISTRICT	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1407	REMOVAL OF UNATTENDED VEHICLE W/O AUTH	IN	N	\$280	\$0	Y	0%	N	N	C	
41-6A-1408	ABANDON VEHICLE, VESSEL, OUTDOOR MOTOR ON HWY OR STATE WATER	IN	N	\$60	\$0	Y	0%	N	N	C	
41-6A-1409(2)	IMPROPER BOOTING IN MOBILE HOME PARK OR MULTI-FAMILY DWELLING	IN	N	\$280	\$0	Y	0%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1409(3)	IMPROPER BOOTING-IMPROPER NOTICE	IN	N	\$280	\$0	Y	0%	N	N	C	
41-6A-1409(4)	IMPROPER BOOTING - FEE FOR REMOVAL	IN	N	\$340	\$0	Y	0%	N	N	C	
41-6A-1501	MOTORCYCLE VIOLATION	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1502	MOTORCYCLES OR ATV TYPE I VEH - OPERATE ON PUBLIC HIGHWAY	IN	Y	\$340	\$0	N	35%	Y	N	C	
41-6A-1502(3)	MOTORCYCLE NOT TO TRAVEL BETWEEN LANES OR ROWS OF VEHICLES	IN	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1502(4)	MOTORCYCLE/MOTOR-DRIVEN CYCLE NOT TO OPERATE 2 ABREAST IN LN	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1503	MOTORCYCLE ATTACHED TO ANOTHER VEHICLE	IN	N	\$170	\$0	N	35%	N	N	C	
41-6A-1504	IMPROPER MOTORCYCLE PEGS AND HANDLEBARS	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1504(2)	OPERATING MOTORCYCLE WITH HANDLEBARS ABOVE SHOULDER HEIGHT	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1505	< 21 W/O PROTECTIVE HEADGEAR ON MOTORCYCLE OR MOTOR DRIVEN CYCLE	IN	N	\$110	\$0	Y	0%	N	N	C	
41-6A-1505(1)	< 21 OPERATE/RIDE MOTORCYCLE/ MOTOR DRIVEN CYCLE W/O PROTECTIVE HEADGEAR	IN	N	\$110	\$0	Y	0%	N	N	C	
41-6A-1505(1)(A)	< 21 OPERATE OR RIDE MOTORCYCLE W/O PROTECTIVE HEADGEAR	IN	N	\$110	\$0	Y	0%	N	N	C	
41-6A-1505(1)(B)	< 21 OPERATE OR RIDE MOTOR DRIVEN CYCLE W/O PROTECTIVE HEADGEAR	IN	N	\$110	\$0	Y	0%	N	N	C	
41-6A-1505(1)(C)	< 21 OPERATING ELECTRIC ASSISTED BIKE W/O PROTECTIVE HEADGEAR	IN	N	\$110	\$0	Y	0%	N	N	C	
41-6A-1505(1)(D)	< 21 OPERATING AUTOCYCLE NOT FULLY ENCLOSED W/O PROTECTIVE HEADGEAR	IN	N	\$110	\$0	Y	0%	N	N	C	
41-6A-1506	MOTORCYCLE EQUIPMENT REQUIRED	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1506(2)	AUTOCYCLE EQUIPMENT REQUIRED	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1508(2)	FAIL TO COMPLY W/FED SAFETY STANDARDS FOR LOW SPEED VEHICLES	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1508(3)	LOW SPEED VEHICLE STRUCTURALLY ALTERED	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1508(5)	LOW SPEED VEHICLE NOT TO OPERATE WHERE LIMIT EXCEEDS 35 MPH	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1508(6)	FAIL TO DISPLAY SLOW SPEED VEHICLE ON REAR OF VEHICLE	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1509	OPERATE STREET-LEGAL ATV ON NON-DESIGNATED HWY/STREET	IN	N	\$280	\$0	Y	0%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1509(3)(A)	STREET LEGAL ATV/UTILITY VEHICLE EQUIPMENT VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(I)	STREET LEGAL ATV/UTILITY VEHICLE HEADLAMP VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(II)	STREET LEGAL ATV/UTILITY VEHICLE NO TAIL LAMP VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(III)	STREET LEGAL ATV/UTILITY VEH ILLUMINATED REGISTRAT VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(IV)	STREET LEGAL ATV/UTILITY VEH RED REAR REFLECTOR VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(IX)	STREET LEGAL ATV/UTILITY VEHICLE MUFFLER VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(V)	STREET LEGAL ATV/UTILITY VEHICLE REAR STOP LAMP VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(VI)	STREET LEGAL ATV/UTILITY VEHICLE TURN SIGNALS VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(VII)	STREET LEGAL ATV/UTILITY VEHICLE BRAKING SYSTEM VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(VIII)	STREET LEGAL ATV/UTILITY VEHICLE NOT EQUIPPED W/HORN	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(X)	STREET LEGAL ATV/UTILITY VEH NOT EQUIP W/REARVIEW MIRRORS	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(XI)	STREET LEGAL ATV/UTILITY VEH NOT EQUIP W/WINDSHIELD	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(XII)	STREET LEGAL ATV/UTILITY VEH NOT EQUIPPED W/SPEEDOMETER	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(XIII)	STREET LEGAL ATV/UTILITY VEHICLE PASSENGER VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(XIV)	STREET LEGAL ATV/UTILITY VEHICLE SEATBELT VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(XV)	STREET LEGAL ATV/UTILITY VEHICLE TIRE VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(A)(XV)(A)	STREET LEGAL ATV/UTILITY VEH TIRES LARGER THAN MANUFACTURER	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1509(3)(A)(XV)(B)	STREET LEGAL ATV/UTILITY VEH TIRE TREAD < 2/32 IN	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)	FULL SIZE STREET LEGAL ATV EQUIPMENT VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(I)	FULL SIZE STREET LEGAL ATV HEADLAMP VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(II)	FULL SIZE STREET LEGAL ATV TAIL LAMP VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(III)	FULL SIZE STREET LEGAL ATV ILLUMINATED REGISTRATION VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1509(3)(B)(IV)	FULL SIZE STREET LEGAL ATV RED REAR REFLECTOR VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(IX)	FULL SIZE STREET LEGAL ATV MUFFLER VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(V)	FULL SIZE STREET LEGAL ATV REAR STOP LAMP VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(VI)	FULL SIZE STREET LEGAL ATV TURN SIGNALS VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(VII)	FULL SIZE STREET LEGAL ATV BRAKING SYSTEM VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(VIII)	FULL SIZE STREET LEGAL ATV NOT EQUIPPED W/HORN	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(X)	FULL SIZE STREET LEGAL ATV NOT EQUIP W/REARVIEW MIRRORS	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(XI)	FULL SIZE STREET LEGAL ATV NOT EQUIP W/WINDSHIELD	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(XII)	FULL SIZE STREET LEGAL ATV NOT EQUIPPED W/SPEEDOMETER	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(XIII)	FULL SIZE STREET LEGAL ATV PASSENGER VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(XIV)	FULL SIZE STREET LEGAL ATV SEATBELT VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(XV)	FULL SIZE STREET LEGAL ATV TIRE VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(XV)(A)	FULL SIZE STREET LEGAL ATV TIRES EXCEED 44 IN	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(3)(B)(XV)(B)	FULL SIZE STREET LEGAL ATV TIRE TREAD < 2/32 IN	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(4)(A)	FULL SIZE STREET LEGAL ATV SPEED VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(4)(A)(I)	FULL SIZE STREET LEGAL ATV SPEED VIOLATION - POSTED SPEED	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(4)(A)(II)	FULL SIZE STREET LEGAL ATV SPEED VIOLATION - > 50 MPH	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(4)(B)	FULL SIZE ST LEGAL ATV TO OPER ON EXTREME RIGHT W/REFLECTORS	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(4)(B)(I)	FULL SIZE STREET LEGAL ATV TO OPERATE ON EXTREME RIGHT OF RD	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1509(4)(B)(II)	FULL SIZE STREET LEGAL ATV REFLECTOR TAPE REQ FRONT & REAR	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1601	UNSAFE VEHICLE/FAULTY EQUIPMENT	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1601(1)	OPERATE UNSAFE, IMPROPER EQUIPPED VEHICLE ON PUBLIC HWY	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1601(1)(A)	OPERATE/MOVE UNSAFE VEHICLE	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1602	PERMIT REQUIRED TO OPERATE VEHICLE VIOLATING EQUIPMENT REGS	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1603	FAIL TO TURN ON HEADLIGHTS	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1604	MOTOR VEHICLE LAMP VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(1)	HEAD LAMP VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(2)(A)	TAIL LIGHT VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(2)(B)	BRAKE LIGHTS/REFLECTORS TO DISPLAY OR REFLECT RED COLOR	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(2)(B)(II)	TURN SIGNAL OR HAZARD WARNING LIGHT YELLOW OR RED	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(2)(C)	FAIL TO ILLUMINATE REAR REGISTRATION PLA	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(3)	STOP LAMPS - TURN SIGNALS	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(3)(A)	VEHICLE/TRAILER/SEMI/POLE TO HAVE 2 STOP LAMPS/TURN SIGNALS	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(4)(A)	EACH LAMP/REFLECTOR TO COMPLY WITH REQUIREMENTS & LIMITATION	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1604(4)(B)	NEED MORE LAMPS/REFLECTORS	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1606	FAILURE TO DISPLAY LIGHTS -- LARGE LOAD	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1607	FAIL TO EQUIP VEHICLE WITH ONE OR MORE PARKING LIGHTS	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1608	FARM TRACTORS & EQUIP/LAMPS & REFLECTORS	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1608(6)	SLOW MOVING VEHICLE EMBLEM REQUIREMENT	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1609	LAMPS & REFLECTORS/ANIMAL DRAWN VEH, ETC	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1610	IMPROPER USE OF SPOTLIGHT	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1611	HAZARD-WARNING LIGHT VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1612	BACKUP LIGHTS VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1613	LAMP REQ/OPERATION OF VEH ON HWY/SHOULDER-DIMMING LIGHTS	IN	N	\$50	\$0	Y	0%	Y	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1613(1)(A)	HIGH/LOW BEAM LIGHT REQ ON HWY/SHOULDER ADJACENT TO HWY	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1613(1)(C)	FAILURE TO DIM HEADLIGHTS	IN	N	\$50	\$0	Y	0%	Y	N	C	
41-6A-1613(2)(A)(I)	HEADLIGHTS-PROPER ADJUSTMENT TO GROUND	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1616	INTENSE BEAMS, RED/BLUE LIGHTS, FLASH LI	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1616(1)(C)	LIGHTS - NO MORE THAN 4 FACING FORWARD	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1616(2)(A)	OPERATE VEH ON HWY W/UNAUTH RED LIGHT	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1616(2)(B)	OPERATE VEH ON HWY W/UNAUTH BLUE LIGHT	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1616(3)	FLASHING LIGHTS ON VEHICLE PROHIBITED	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1616(3)(G)	CONTINUOUS FLASHING LIGHTS REPEATED ON BRAKE APPLICATION	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-1616(4)	ROTATING LIGHT ON VEHICLE PROHIBITED	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1618	SALE OR USE OF UNAPPROVED LIGHTING EQUIPMENT OR DEVICES	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1618(1)	SALE OR USE OF UNAPPROVED LIGHTING EQUIPMENT OR DEVICE	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1618(3)	IMPROPER USE OF LAMP MOUNTED ON VEHICLE	IN	Y	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1619	SALE OF UNAPPROVED MOTOR VEHICLE EQUIPMENT	IN	N	\$340	\$0	N	35%	N	N	C	
41-6A-1622	SELL SUBSTANDARD EQUIPMENT	IN	N	\$340	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1623	BAD/NO BRAKES	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1623(2)	PARKING BRAKE REQUIRED	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1624	FAILURE TO REPAIR DAMAGED/DEPLOYED AIRBAG	MC	N	\$340	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1625	ILLEGAL USE OF HORNS AND WARNING DEVICES	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1625(1)	UNLAWFUL USE OF HORN	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1625(2)	SIREN, WHISTLE OR BELL ON VEHICLE PROHIBITED	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1625(4)	UNLAWFUL USE OF HORN (EMERGENCY VEHICLE)	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1626	MUFFLER VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1626(1)	NO WORKING MUFFLER	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1626(1)(A)	MUFFLER MUST BE INSTALLED	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1626(1)(B)	MUFFLER MUST BE FUNCTIONING PROPERLY	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1626(1)(C)	IMPROPER MUFFLER/NOISE SUPPRESSING SYSTEM	IN	N	\$50	\$0	Y	0%	N	Y	C	Dismissed on proof of compliance in 14 days.
41-6A-1626(2)	VEHICLE EMITTING VISIBLE CONTAMINANTS	IN	N	\$100	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1626(2)(A)	EXCESSIVE FUMES/SMOKE - ENGINE/POWER SYS	IN	N	\$100	\$0	Y	0%	N	N	C	Minimum of \$50 for 1st violation; \$100 for second or subsequent
41-6A-1626(2)(B)	DIESEL MANUFACTURED >=1/1/08 MAY NOT EMIT VISIBLE CONTAMINANT	IN	N	\$100	\$0	Y	0%	N	N	C	
41-6A-1626(2)(B)(II)	DIESEL MFR ON OR AFTER 1/1/08 MAY NOT EMIT VISIBLE CONTAMINANTS	IN	N	\$100	\$0	Y	0%	N	N	C	Minimum fine of \$100. Dismissed on proof of compliance in 14 days.
41-6A-1626(2)(B)(III)	DIESEL MFR BEFORE 1/1/08 MAY NOT EMIT VISIBLE CONTAMINANTS	IN	N	\$100	\$0	Y	0%	N	N	C	
41-6A-1626(2)(D)(II)	DIESEL ENGINE MAY NOT EMIT VISIBLE CONTAMINANTS 2ND OR SUBSEQUENT VIOLATION	IN	Y	\$500	\$0	Y	0%	N	N	C	Minimum fine of \$500
41-6A-1626(3)	AIR POLLUTION DEV SHALL BE MAINTAINED IN GOOD WORKING ORDER	IN	N	\$100	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1626(3)(A)	AIR POLLUTION DEV SHALL BE MAINTAINED IN GOOD WORKING ORDER	IN	N	\$100	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1626(3)(C)	RENDER INOPERABLE AN AIR POLLUTION CONTROL DEVICE	IN	N	\$100	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1627	VEHICLE MIRRORS MISSING/INADEQUATE	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1627(1)	VEHICLE MIRROR NOT ON LEFT OF VEHICLE OR REFLECTING REAR	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1627(1)(A)	VEHICLE MIRROR - NO LEFT MIRROR	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1628(1)	SEAT BELT MUST BE INSTALLED	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1628(2)	SELLING UNAPPROVED SEAT BELTS	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1630	ALTERED VEHICLE	IN	N	\$100	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1631	ILLEGAL VEHICLE ALTERATIONS	IN	N	\$100	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 day.
41-6A-1631(2)	TIRE VIOLATION - WIDTH	IN	N	\$100	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1632	DEFECTIVE BUMPER	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1632(1)	BUMPER REQUIRED ON VEHICLE	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1633	NO MUD FLAPS	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1634	NO SAFETY CHAIN ON TOWED VEHICLE	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1635	EQUIP OBSTRUCT VISIBILITY-WINDSHIELD/WIN	IN	N	\$60	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1635(1)	WINDOW TINT VIOLATION	IN	N	\$60	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1635(1)(D)	OBSTRUCT REDUCING VISIBILITY-WINDSHIELD	IN	N	\$60	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1635(2)	STICKERS/OTHER NON-TRANSPARENT MATERIAL ON WINDSHIELD	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1635(4)	MIRRORS REQUIRED IF REAR BLOCKED OR TINTED	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1635(6)	SALE OF VEHICLE WITH EXCESSIVE TINT	IN	N	\$150	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1636	ILLEGAL TIRES	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1636(1)	TIRE VIOLATION - CONDITION OF RUBBER ON TIRES	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1636(5)(A)	STUDED SNOW TIRE VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1636(7)(A)	ILLEGAL TIRES	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1636(7)(A)(I)	ILLEGAL TIRES	IN	N	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1637	NO EMERGENCY FLARES/FUSES/LANTERNS	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1638	FAIL TO USE WARNING SIGNALS	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1639	TRANSPRT OF HAZARDOUS/FLAMMABLE COMMODITY	IN	N	\$270	\$0	N	35%	Y	Y	C	
41-6A-1639(2)(A)	DRIVING W/O HAZMAT PLACARDS	IN	N	\$270	\$0	N	35%	Y	N	C	
41-6A-1639(2)(B)	DRIVING W/O HAZMAT SAFETY EQUIPMENT	IN	N	\$270	\$0	N	35%	Y	N	C	
41-6A-1641	TV PROH IF DRIVER CAN VIEW SCREEN	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.
41-6A-1701	IMPROPER BACKING	IN	N	\$100	\$0	N	35%	Y	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1701(1)	BACKING PROHIBITED IF NOT SAFE OR INTERFERING WITH TRAFFIC	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-1701(2)	BACKING ON LIMITED ACCESS HIGHWAY	IN	N	\$100	\$0	N	35%	N	N	C	
41-6A-1702	DRIVE ON THE SIDEWALK	IN	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1703	DRIVE W/PASSENGER IN WRONG PLACE	IN	N	\$40	\$0	Y	0%	N	Y	C	
41-6A-1704	IMPROPER OPENING OF VEHICLE DOOR	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1704(1)	OPENING VEHICLE DOOR TOWARD MOVING TRAFFIC	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1704(2)	VEHICLE DOOR LEFT OPEN TOWARD MOVING TRAFFIC-EXTENDED TIME	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1705	OBSTRUCTION TO DRIVER'S VIEW	IN	N	\$40	\$0	Y	0%	Y	N	C	
41-6A-1705(1)	OPERATE VEHICLE < 3 IN FRONT SEAT-OBSTRUCTING VIEW/OPERATION	IN	N	\$40	\$0	Y	0%	Y	N	C	
41-6A-1705(1)(A)	OBSTRUCT OPERATOR VIEW TO FRONT OR SIDE OF VEHICLE	IN	N	\$40	\$0	Y	0%	Y	N	C	
41-6A-1705(1)(B)	INTERFERE W/OPERATORS CONTROL OVER DRIVING MECHANISM OF VEH	IN	N	\$40	\$0	Y	0%	N	N	C	
41-6A-1705(2)	PASSENGER OBST DRIVERS VIEW/UNAUTH PLACE	IN	N	\$40	\$0	Y	0%	Y	N	C	
41-6A-1705(2)(A)	PASSENGER IN VEHICLE INTERFERES WITH OPERATORS VIEW	IN	N	\$40	\$0	Y	0%	Y	N	C	
41-6A-1705(2)(B)	PASSENGER IN VEHICLE INTERFERING WITH OPERATORS CONTROL	IN	N	\$40	\$0	Y	0%	Y	N	C	
41-6A-1706	OCCUPANCY OF TRAILER/SEMITRAILER WHILE BEING MOVED ON HWY	IN	N	\$100	\$0	Y	0%	N	N	C	
41-6A-1706(1)	OCCUPANCY OF TRAILER/SEMITRAILER WHILE BEING MOVED ON HWY	IN	N	\$100	\$0	Y	0%	N	N	C	
41-6A-1707	ENTER INTERSECTION W/O SUFFICIENT SPACE	IN	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1710	FOLLOWING TOO CLOSE TO ANY AUTHORIZED EMERGENCY VEHICLE	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-1711	DRIVE OVER FIREHOSE	IN	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1712	LITTERING	IN	Y	\$340	\$0	N	35%	N	Y	C	Enhanceable Offense
41-6A-1712(1)	ILLEGAL DUMPING	IN	Y	\$340	\$0	N	35%	N	Y	C	
41-6A-1712(5)	THROWING LIGHTED MATERIAL FROM VEHICLE	IN	Y	\$340	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1712(6)	FAILURE TO SECURE LOOSE CARGO	IN	N	\$280	\$0	Y	0%	N	N	C	
41-6A-1712{2}	LITTERING - 2ND OR SUBSEQUENT OFFENSE	IN	Y	\$570	\$0	N	35%	N	Y	C	
41-6A-1715	CARELESS DRIVING	MC	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1715(1)	CARELESS DRIVING	MC	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1715(1)(A)	CARELESS DRIVING >=2 VIOLATIONS IN 3 MILES	MC	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1715(1)(B)	CARELESS DRIVING DISTRACTED BY ACTIVITY OTHER THAN DRIVING	MC	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1715(1)(B)(I)	CARELESS DRIVING SEARCHING FOR ITEM IN VEHICLE	MC	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1715(1)(B)(II)	CARELESS DRIVING ATTENDING TO PERSONAL HYGIENE OR GROOMING	MC	N	\$100	\$0	N	35%	Y	N	C	
41-6A-1716	USE HANDHELD DEVICE TO TEXT/EMAIL WHILE OPERATING VEHICLE	MC	N	\$100	\$0	N	35%	Y	N	C	Enhanceable Offense
41-6A-1716(2)	USE HANDHELD DEVICE WHILE OPERATING VEHICLE	MC	N	\$100	\$0	N	35%	Y	N	C	Enhanceable Offense
41-6A-1716(2)(A)	USE HANDHELD DEVICE TO WRITE/SEND/READ DATA W/OPER VEHICLE	MC	N	\$100	\$0	N	35%	Y	N	C	Enhanceable Offense
41-6A-1716(2)(B)	USE HANDHELD DEVICE TO DIAL WHILE OPERATING VEHICLE	MC	N	\$100	\$0	N	35%	Y	N	C	Enhanceable Offense
41-6A-1716(2)(C)	USE HANDHELD DEVICE TO ACCESS INTERNET W/OPERATING VEHICLE	MC	N	\$100	\$0	N	35%	Y	N	C	Enhanceable Offense
41-6A-1716(2)(D)	USE HANDHELD DEVICE TO VIEW/RECORD VIDEO WHILE OPERATING VEH	MC	N	\$100	\$0	N	35%	Y	N	C	Enhanceable Offense
41-6A-1716(4)(A)	TEXTING OR EMAILING WHILE DRIVING	MC	Y	\$100	\$0	N	35%	Y	N	C	
41-6A-1716(4)(B)	TEXT OR EMAIL WHILE DRIVING W/PRIOR OR INJURY	MB	Y	\$680	\$0	N	90%	Y	N	C	
41-6A-1716(4)(B)(I)	CAUSE INJURY TO ANOTHER USING HANDHELD DEVICE W/OPERTNG VEH	MB	Y	\$680	\$0	N	90%	Y	N	C	
41-6A-1716(4)(B)(II)	USE HANDHELD DEVICE W/OPERATING VEHICLE 2ND/SUBS W/IN 3 YRS	MB	Y	\$680	\$0	N	90%	Y	N	C	
41-6A-1717	SMOKING IN A VEHICLE PROHIBITED WHEN CHILD IS PRESENT	IN	N	\$45	\$0	Y	0%	N	Y	C	
41-6A-1803(1)(A)(I)	FAILURE TO WEAR SEAT BELT OR PROPERLY ADJUST SAFETY BELT	IN	N	\$45	\$0	Y	0%	Y	N	C	
41-6A-1803(1)(A)(II)	FAILURE TO PROVIDE CHILD RESTRAINT DEVICE < 8 YRS OF AGE	IN	N	\$45	\$45	Y	0%	Y	N	C	The court shall waive all of the fine for a first violation of
41-6A-1803(1)(A)(III)	FAILURE TO PROVIDE CHILD RESTRAINT DEVICE 8-16 YRS OF AGE	IN	N	\$45	\$45	Y	0%	Y	N	C	The court shall waive all of the fine for a first violation of

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-1803(2)	FAILURE OF PASSENGER 16 YRS OR OLDER TO WEAR SEAT BELT	IN	N	\$45	\$0	Y	0%	Y	N	C	
41-6A-2003	UNLAWFUL AUTOMATIC LICENSE PLATE READER USE	MB	Y	\$310	\$0	Y	0%	N	N	C	
41-6A-2005	PRESERVATION OF CAPTURED PLATE DATA VIOLATION	MB	Y	\$310	\$0	Y	0%	N	N	C	
41-6A-204	REQUIRE/KNOWINGLY PERMIT DRIVER TO UNLAWFULLY OPERATE VEHICLE	IN	N	\$100	\$0	Y	0%	N	N	C	
41-6A-209	FAILURE TO OBEY OFFICER/FIREFIGHTER/FLAGGER/CROSSING GUARD	IN	N	\$80	\$0	Y	0%	Y	Y	C	
41-6A-209(1)	FAILURE TO OBEY OFFICER/FIREFIGHTER/FLAGGER/CROSSING GUARD	IN	N	\$80	\$0	Y	0%	Y	Y	C	
41-6A-209(1)(A)	WILLFULLY FAIL OR REFUSE TO OBEY ORDER OF PEACE OFFICER	IN	N	\$80	\$0	Y	0%	Y	N	C	
41-6A-209(1)(B)	WILLFULLY FAIL OR REFUSE TO OBEY ORDER OF FIREFIGHTER	IN	N	\$80	\$0	Y	0%	N	N	C	
41-6A-209(1)(C)	WILLFULLY FAIL OR REFUSE TO OBEY ORDER OF A FLAGGER	IN	N	\$80	\$0	Y	0%	Y	N	C	
41-6A-209(1)(D)	FAIL TO OBEY CROSSING GUARD	IN	N	\$80	\$0	Y	0%	Y	N	C	
41-6A-209(2)(A)	SPEEDING IN A CONSTRUCTION/MAINTENANCE ZONE	IN	N	\$170	\$0	N	35%	Y	N	C	See Speeding Chart for examples of statutory defined adjustments
41-6A-216	PROPERTY OWNER TO REMOVE OBSTRUCTIONS	IN	N	\$50	\$0	Y	0%	N	Y	C	
41-6A-304	FAIL TO OBEY TRAFFIC CONTROL DEVICES	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-304(1)	FAIL TO OBEY TRAFFIC CONTROL DEVICES	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-305	TRAFFIC CONTROL SIGNAL VIOLATIONS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-305(2)(A)(II)	TRAFFIC CONTROL SIGNAL- CIRCULAR GREEN SIGNAL VIOLATION	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-305(2)(B)	FAIL TO YIELD TO PEDESTRIAN/TRAFFIC IN CROSSWALK GREEN ARROW	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-305(4)(A)	TRAFFIC CONTROL SIGNAL - AT PLACE OTHER THAN INTERSECTION	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-305(4)(B)	PEDESTRIAN ENTERING ROADWAY AT STEADY RED SIGNAL	IN	N	\$60	\$0	Y	0%	N	N	C	
41-6A-305(4)(C)	FAILURE TO YIELD - RIGHT TURN ON RED LIGHT	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-305(5)	STOP TO BE MADE AT SIGN/MARKING OR SIGNAL FOR HWY-RAIL LINE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-305(6)	FAIL TO YIELD RIGHT OF WAY @ INOPERABLE SIGNAL	IN	N	\$120	\$0	N	35%	Y	N	C	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-305(6)(A)	FAIL TO STOP - ENTERING INTERSECTION @ INOPERABLE SIGNAL	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-306	PEDESTRIAN DISOBEYING SEMAPHORE	IN	N	\$50	\$0	Y	0%	N	N	C	
41-6A-307	OBEDIENCE TO FLASHING SEMAPHORE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-308	FAIL TO OBEY LANE USE CONTROL SIGNAL	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-309	UNAUTHORIZED PLACING OF TRAFFIC CONT DEV	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-311	INTERFERE WITH SIGNS/SIGNALS	MC	Y	\$340	\$0	N	35%	N	N	C	
41-6A-311(1)(A)	ALTER/DEFACE/KNOCK DOWN/REMOVE TRAFFIC CONTROL DEVICE	MC	Y	\$340	\$0	N	35%	N	N	C	
41-6A-311(1)(B)	ALTER/DEFACE/KNOCK DOWN/REMOVE TRAFFIC MONITORING DEVICE	MC	N	\$340	\$0	N	35%	N	N	C	
41-6A-311(1)(C)	ALTER/DEFACE/KNOCK DOWN/REMOVE RAILROAD TRAFFIC CONTROL DEVICE	MC	Y	\$340	\$0	N	35%	N	N	C	
41-6A-311(2)(A)	USE PREEMPTIVE DEVICE TO INTERFERE W/TRAFFIC CONTROL DEVICE	MC	N	\$270	\$0	N	35%	N	N	C	
41-6A-311(2)(B)	OPERATE MOTOR VEHICLE POSSESSING TRAFFIC SIG PREEMPTIVE DEV	MC	N	\$270	\$0	N	35%	N	N	C	
41-6A-401	ACCIDENT INVOLVING PROPERTY DAMAGE, DUTIES OF OPERATOR	MB	Y	\$600	\$0	N	90%	Y	Y	C	
41-6A-401(2)	FAILURE TO REMAIN AT SCENE OF ACCIDENT - DAMAGE ONLY	MB	Y	\$600	\$0	N	90%	Y	Y	C	
41-6A-401(2)(A)	ACCIDENT INVOLVING PROPERTY DAMAGE, DUTIES OF OPERATOR - W/ KNOWLEDGE OF ACCIDENT	MB	Y	\$680	\$0	N	90%	Y	Y	C	
41-6A-401(2)(C)	DUTY OF OPERATOR AFTER THE LEAVING SCENE - W/ KNOWLEDGE OF ACCIDENT	MB	Y	\$680	\$0	N	90%	Y	Y	C	
41-6A-401(3)	FAILURE TO GIVE NAME AND ASSISTANCE AT ACCIDENT - DAMAGE ONLY	MB	Y	\$600	\$0	N	90%	N	Y	C	
41-6A-401(4)	FAILURE TO REPORT AN ACCIDENT RESULTING IN DAMAGE OF > \$1500	MB	Y	\$600	\$0	N	90%	Y	Y	C	
41-6A-401(5)	FAIL TO NOTIFY OF ACCIDENT WITH UNATTENDED VEHICLE - DAMAGE	MB	Y	\$600	\$0	N	90%	Y	Y	C	
41-6A-401.7(1)	FAIL TO GIVE NAME, ASSISTANCE AT ACCIDENT- INJURY,DEATH,DAMAGE	MC	Y	\$500	\$0	N	35%	N	Y	C	
41-6A-401.7(2)	FAIL TO REPORT ACCIDENT - INJURY, DEATH, DAMAGE	MC	Y	\$500	\$0	N	35%	N	Y	C	
41-6A-401.7(3)	FAILURE TO GIVE NAME/ASST - OWNER INCAPABLE OF GIVING NOTICE	MC	Y	\$500	\$0	N	35%	N	Y	C	
41-6A-401.7(4)	FAILURE TO REPORT ACCIDENT WITH UNATTENDED VEHICLE	MC	Y	\$500	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-402	FAIL TO MAKE WRITTEN REP/ACC	IN	N	\$110	\$0	Y	0%	N	Y	C	
41-6A-403	PROVIDING FALSE SECURITY INFORMATION TO PEACE OFFICER AT ACC	MB	Y	\$190	\$0	N	90%	N	Y	C	
41-6A-403(7)	PROVIDING FALSE SECURITY INFORMATION TO PEACE OFFICER AT ACC	MB	Y	\$190	\$0	N	90%	N	Y	C	
41-6A-405	GARAGE KEEPER TO REPORT DAMAGE W/O STICK	IN	N	\$340	\$0	N	35%	N	N	C	
41-6A-407	ALLOW LIVESTOCK ON HIGHWAY	IN	Y	\$340	\$0	N	35%	N	Y	C	
41-6A-502	DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS	MB	Y	\$1,420	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-502(1)(A)	DUI OF ALCOHOL W/BAC AT OR OVER .05	MB	Y	\$1,460	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-502(1)(B)	DUI - ALCOHOL/DRUGS OR COMBO - RENDERS SAFE OPERATION	MB	Y	\$1,460	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-502(1)(C)	DUI - BLOOD/BREATH ALCOHOL >= .05 OPERATING OR CONTROL	MB	Y	\$1,460	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-502.5	IMPAIRED DRIVING	MB	Y	\$1,460	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-502.5(1)(A)	IMPAIRED DRIVING	MB	Y	\$1,460	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-502.5(1)(B)	IMPAIRED DRIVING	MB	Y	\$1,460	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-502.5(7)	IMPAIRED DRIVING - DUI COURT	MB	Y	\$1,460	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-502(2)	DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS (2ND OFFENSE)	MB	Y	\$1,610	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing
41-6A-517	DRIVING WITH MEASURABLE CONTROLLED SUBSTANCE	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-517(2)	DRIVE WITH MEASURABLE CONTROLLED SUBSTANCE	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-518	IGNITION INTERLOCK VIOLATION	MC	Y	\$500	\$0	N	35%	Y	Y	S	
41-6A-518(4)(A)	FAILURE TO INSTALL IGNITION INTERLOCK DEVICE	MC	Y	\$500	\$0	N	35%	Y	Y	S	
41-6A-518.1(2)(A)(I)	TAMPER WITH IGNITION INTERLOCK DEVICE	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-518.1(2)(A)(II)	FURNISH VEHICLE W/OUT IGNITION INTERLOCK TO RESTRICT PERSON	MB	Y	\$680	\$0	N	90%	N	Y	S	
41-6A-518.1(2)(A)(III)	BLOW INTO IGNITION INTERLOCK FOR ANOTHER	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-518.1(2)(A)(IV)	ADVERTISE FOR SALE/OFFER NON CERTIFIED IGNITION INTERLOCK	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-518.1(2)(B)(I)	RENT/LEASE/BORROW VEH W/O IGNITION INTERLOCK	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-518.1(2)(B)(II)	REQUEST ANOTHER PERSON BLOW INTO IGNITION INTERLOCK SYSTEM	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-518.2	INTERLOCK RESTRICTED DRIVER OPERATING VEHICLE W/O IL SYSTEM	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-518.2(3)	INTERLOCK RESTRICTED DRIVER OPERATING VEHICLE W/O IL SYSTEM	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-520(7)(B)	REFUSAL OF CHEMICAL TEST	MB		See Statute +\$100	\$0		90%	Y	Y	S	
41-6A-526	OPEN CONTAINER/DRINKING ALCOHOL IN A VEHICLE	MC	N	\$110	\$0	Y	0%	N	Y	S	
41-6A-526(2)	DRINKING ALC IN VEH-DRIVER &/OR PASSENGER	MC	N	\$110	\$0	Y	0%	Y	Y	S	
41-6A-526(3)	OPEN CONTAINER IN VEHICLE ON HIGHWAY	MC	N	\$110	\$0	Y	0%	Y	Y	S	
41-6A-528	RECKLESS DRIVING	MB	Y	\$680	\$0	N	90%	Y	Y	S	
41-6A-530	ALCOHOL RESTRICTED DRIVERS	MB	Y	\$1,420	\$0	N	90%	Y	Y	S	Recommend credit for treatment and/or probation fees.
41-6A-601	SPEEDING	IN	N	\$120	\$0	N	35%	Y	N	C	See Speeding Chart for examples of statutory defined adjustments
41-6A-601(1)	TOO FAST FOR EXISTING CONDITIONS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-601(3)	SPEEDING - TOO FAST FOR EXISTING CONDITIONS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-604	SPEEDING IN A SCHOOL ZONE	MC	Y	\$140	\$0	N	35%	Y	N	C	See Speeding Chart for examples of statutory defined adjustments
41-6A-605	MINIMUM SPEED REGULATIONS VIOLATION	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-605(1)	IMPEDING TRAFFIC	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-606	SPEED CONTEST OR EXHIBITION ON HIGHWAY	MB	Y	\$500	\$0	N	90%	Y	N	C	
41-6A-606(1)	SPEED CONTEST OR EXHIBITION ON HIGHWAY	MB	Y	\$500	\$0	N	90%	N	N	C	
41-6A-609	RADAR JAMMING DEV/JAMMING DEV PROH	IN	N	\$100	\$0	Y	0%	N	N	C	
41-6A-701	DRIVE ON WRONG SIDE OF ROADWAY	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-701(3)	OPERATE VEHICLE AT LESS THAN NORMAL SPEED IN RIGHT HAND LANE	IN	Y	\$120	\$0	N	35%	Y	N	C	
41-6A-702	LEFT LANE RESTRICTED/VEHICLE OVER 18,000	IN	N	\$250	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-702(1)(A)	HIGH OCCUPANCY VEHICLE LANE RESTRICTION	IN	N	\$250	\$0	N	35%	N	Y	C	
41-6A-702(1)(B)	HOV ON AND OFF RAMP LANE VIOLATION	IN	N	\$250	\$0	N	35%	N	Y	C	
41-6A-702(2)	OPERATING RESTRICTED VEHICLES IN LEFT LANE OF FREEWAY	IN	N	\$250	\$0	N	35%	N	Y	C	
41-6A-703	IMPROPER PASSING/VEHICLE OPPOSITE DIRECT	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-704	IMPROPER PASSING OF VEHICLE-SAME DIRECTION	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-704(1)(A)(I)	UNLAWFUL PASSING ON LEFT	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-704(1)(A)(II)	FAILING TO YIELD TO PASSING VEHICLE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-704(2)	FAIL TO YIELD TO FASTER VEHICLE IN SAME LANE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-704(5)	UNLAWFUL LANE FILTERING	IN	N	\$120	\$0	Y	35%	Y	N	C	
41-6A-705	IMPROPER PASSING ON RIGHT OF VEHICLE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-706	IMPROPER PASSING ON LEFT OF VEHICLE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-706(1)(B)	LIMITATION ON PASSING USING ONCOMING TRAFFIC LANE	IN	Y	\$120	\$0	N	35%	Y	N	C	
41-6A-706.5	OPERATE MOTOR VEHICLE NEAR VULNERABLE USER OF A HIGHWAY	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-706.5(2)(D)	CAUSE EXCESSIVE EMISSIONS NEAR VULNERABLE USER OF A HIGHWAY	IN	Y	\$225	\$0	Y	0%	N	Y	C	
41-6A-706.5(3)(B)	OPERATE MOTOR VEHICLE NEAR VULNERABLE USER OF HWY W/INJURY	MC	Y	\$490	\$0	N	35%	Y	N	C	
41-6A-707	DRIVE ON LEFT OF ROAD WHEN PROHIBITED	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-707(1)(A)	LEFT SIDE OF ROAD-PASSING ON HILL OR CURVE	IN	Y	\$120	\$0	N	35%	Y	N	C	
41-6A-708	FAIL TO OBSERVE NO PASSING ZONE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-709	WRONG WAY ON ONE WAY STREET	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-710	IMPROPER USAGE OF LANES	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-710(1)	FAILURE TO STAY IN ONE LANE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-710(1)(A)	FAIL TO OPERATE WITHIN A SINGLE LANE	IN	N	\$120	\$0	N	35%	Y	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-710(1)(B)	IMPROPER LANE CHANGE IN OCCUPIED LANE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-710(2)	IMPROPER USE OF CENTER LANE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-710(3)	FAILURE TO USE DESIGNATED LANE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-710(3)(B)	DISREGARD OF OFFICIAL TRAFFIC CONTROL DEVICE	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-711	FOLLOWING ANOTHER VEHICLE TOO CLOSE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-711(1)	FOLLOWING TOO CLOSE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-711(1)(A)	FOLLOWING ANOTHER VEHICLE CLOSER THAN REASONABLE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-711(1)(B)	ALLOWING SUFFICIENT DISTANCE TO PASS ANOTHER VEHICLE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-712	CROSSING HIGHWAY DIVIDER	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-712(1)	VEHICLE ON DIVIDED HWY NOT OPERATING IN RIGHT HAND OF ROADWAY	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-712(2)	CROSSING DIVIDER/BARRIER MEDIAN	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-713	DRIVING OVER GORE OR ISLAND	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-714	LIMITED ACCESS HIGHWAYS-ENTERING/EXITING	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-716	DRIVE ON TOLLWAY W/O PAYING TOLL	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-717	UNLAWFUL USE OF RUNAWAY RAMP	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-801	IMPROPER LEFT/RIGHT TURN	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-801(1)	IMPROPER RIGHT TURN	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-801(2)	IMPROPER LEFT TURN	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-801(3)(A)	IMPROPER LEFT TURN IN TWO WAY LEFT TURN LANE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-801(3)(B)	IMPROPER TWO - WAY LEFT TURN	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-801(3)(D)	IMPROPER TRAVEL IN TWO WAY LEFT TURN LANE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-801(4)	TURNING IN VIOLATION OF TRAFFIC CONTROL DEVICE	IN	N	\$120	\$0	N	35%	Y	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-801(4)(B)	TURNING A VEHICLE IN VIOLATION OF A TRAFFIC-CONTROL DEVICE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-802	IMPROPER U TURN	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-803	MOVING A PARKED VEHICLE WHEN UNSAFE	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-804	TURN/STOP/CHANGE LANES W/O SIGNAL	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-804(1)	FAILURE TO SIGNAL	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-804(1)(A)	UNSAFE LANE TRAVEL - SIGNAL	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-804(1)(A)(I)	UNSAFE LANE TRAVEL	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-804(1)(A)(II)	IMPROPER STOP/TURN SIGNAL	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-804(1)(B)	FAILURE TO SIGNAL FOR 2 SECONDS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-804(2)	STOPPING OR SUDDEN DECREASE IN SPEED	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-804(4)	UNLAWFUL SIGNAL FLASHING	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-901	FAIL TO YIELD RIGHT OF WAY	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-902	RIGHT OF WAY - STOP OR YIELD SIGN	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-902(2)(A)	RIGHT OF WAY-STOP SIGNS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-902(2)(B)	FAILURE TO YIELD AFTER STOP FOR VEHICLE IN INTERSECTION	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-902(2)(C)	FAIL TO YIELD TO PEDESTRIAN IN ADJACENT CROSSWALK	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-902(3)	RIGHT OF WAY-YIELD SIGNS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-902(3)(A)	RIGHT OF WAY-YIELD SIGNS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-903	FAIL TO YIELD-VEHICLE TURNING LEFT	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-903(A)	FAIL TO YIELD-VEHICLE TURNING LEFT	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-903(B)	FAIL TO YIELD-ENTER/CROSS HIGHWAY	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-903(C)	FAIL TO YIELD WHEN MERGING	IN	N	\$120	\$0	N	35%	Y	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
41-6A-904	FAIL TO STOP FOR EMERGENCY VEHICLE/OBEY WARNING LIGHTS	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-904(1)	FAIL TO YIELD OR STOP UPON APPROACHING EMERGENCY VEHICLE	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-904(1)(A)	FAIL TO STOP FOR EMERGENCY VEHICLE	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-904(2)	VIOLATE DUTIES OF VEHICLE OPERATOR APPROACHING EMERGENCY VEH	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-904(2)(A)	FAIL TO REDUCE SPEED WHEN APPROACHING EMERGENCY VEHICLE	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-904(3)	FAIL TO REDUCE SPEED WHEN APPR TOW OR HWY MAINTENANCE VEH	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-904(3)(A)	FAIL TO REDUCE SPEED WHEN APPR HWY MAINTENANCE	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-904(4)	FAIL TO CAUTION TO AN AUTHORIZED EMERGENCY VEHICLE	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6A-905	FAIL TO YIELD TO PEDESTRIAN WORKING ON H	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-906	FAIL TO OBEY SIGNS	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-907	UNSAFE EMERGENCE FROM ALLEY/DRIVEWAY	IN	N	\$120	\$0	N	35%	Y	N	C	
41-8-1	OPERATING VEHICLE BY PERSONS UNDER 16	IN	N	\$110	\$0	N	35%	N	N	C	
41-8-2	PERSON UNDER 17 OPERATING VEHICLE DURING NIGHT HOURS	IN	N	\$120	\$0	N	35%	N	N	C	
41-8-2(1)	PERSON UNDER 17 OPERATING VEHICLE BETWEEN 12 AM AND 5 AM	IN	N	\$120	\$0	N	35%	N	N	C	
41-8-3	OPERATION OF VEHICLE BY PERSON UNDER 16 1/2 YEARS	IN	N	\$170	\$0	N	35%	N	N	C	
41-8-4	UNDER 18 USING WIRELESS PHONE WHILE OPERATING VEHICLE	IN	Y	\$25	\$0	Y	0%	N	N	C	
4-23-111	HOLDING A RACCOON OR COYOTE IN CAPTIVITY	IN	N	\$100	\$0	N	35%	N	Y	C	
42-3-5	FARM NAME VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
4-24-306	BRAND INSPECTION REQUIRED TO TRANSPORT LIVESTOCK	MB	N	\$60	\$0	Y	0%	N	Y	C	
4-24-307	TRANSPORT LIVESTOCK WITHOUT EVIDENCE OF OWNERSHIP	MB	N	\$60	\$0	Y	0%	N	Y	C	
4-24-403	UNLAWFUL WEBSITE PROMOTING THE SALE OF LIVESTOCK	MB	Y	\$680	\$0	N	90%	N	Y	C	
4-24-502(1)(A)	LIVESTOCK NOT BRANDED FORAGING IN OPEN RANGE OR OUTSIDE ENCLOSURE	MB	Y	\$340	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
4-24-502(1)(B)	BRAND OR MARK LIVESTOCK W/BRAND OR MARK NOT OF RECORD	MB	Y	\$340	\$0	N	90%	N	Y	C	
4-24-502(1)(C)	OBLITERATE CHANGE OR REMOVE A RECORDED BRAND OR MARK	MB	Y	\$340	\$0	N	90%	N	Y	C	
4-24-502(1)(D)	DESTROY CONCEAL EVIDENCE OF OWNERSHIP OF THE ANIMAL HIDE	MB	Y	\$340	\$0	N	90%	N	Y	C	
4-24-503	USE OF VEHICLE TO TRANSPORT STOLEN LIVESTOCK PROHIBITED	MB	Y	\$340	\$0	N	90%	N	Y	C	
4-25-301	ALLOW SWINE TO ROAM AT LARGE	MB	Y	\$680	\$0	N	90%	N	Y	C	
4-26-101	FAILURE TO CLOSE ENTRANCE TO ENCLOSURE	MC	N	\$340	\$0	N	35%	N	N	C	
4-31-102	DUTY OF OWNER TO BURY OR DISPOSE OF DEAD DOMESTIC ANIMAL	IN	N	\$340	\$0	N	35%	N	N	C	
4-31-103	DEPOSIT DEAD ANIMAL ON ANOTHERS LAND WITHOUT CONSENT	IN	N	\$340	\$0	N	35%	N	N	C	
4-32-106	SLAUGHTERING LIVESTOCK EXCEPT IN LICENSED ESTABLISHMENT PROHIBITED	MC	Y	\$340	\$0	N	35%	N	Y	C	
4-32-106(6)	SALE OR OFFER FOR SALE ANY UNINSPECTED MEAT OR POULTRY	MB	Y	\$680	\$0	N	90%	N	Y	C	
4-39-105	DOMESTICATED ELK - PROHIBITED ACTIVITIES	MB	Y	\$680	\$0	N	90%	N	N	C	
46-1-16(10)(A)	UNLAWFUL USE OF ELECTRONIC NOTARY SIGNATURE OR SEAL	MB	Y	\$680	\$0	N	90%	N	Y	C	
46-1-17(1)	UNLAWFUL VENDING OF A NOTARY SEAL	MB	N	\$680	\$0	N	90%	N	Y	C	
46-1-18(2)(C)	EMPLOYER W/KNOWLEDGE/CONSENT/PERMIT MISCONDUCT OF NOTARY	MB	Y	\$680	\$0	N	90%	N	Y	C	
46-1-18(3)(A)	UNLAWFUL USE OF NOTARY SEAL	MB	Y	\$680	\$0	N	90%	N	Y	C	
46-1-18(3)(B)	UNLAWFUL SOLICITATION OF NOTARY BY EMPLOYER	MB	Y	\$680	\$0	N	90%	N	N	C	
52-3-3	PUBLIC OFFICER EMPLOYMENT OF RELATIVES PROHIBITED	MB	N	\$680	\$0	N	90%	Y	Y	C	
52-4-209(8)(B)	GIVE FALSE IDENTITY DURING ELECTRONIC MEETING	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-10-108	KNOWING, INTENTIONAL ACCESS DISSEMINATE CITS DIVISION RECORD	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-10-108(11)(A)	KNOWING, INTENTIONAL ACCESS DISSEMINATE CITS DIVISION RECORD	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-10-111	REFUSE TO PROVIDE OR FALSE INFORMATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-18-103(2)(A)	INTERNET POSTING OF PERSONAL INFORMATION OF LAW ENFORCEMENT	MB	Y	\$680	\$0	N	90%	N	Y	C	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
53-18-103(6)(A)	INTERNET POSTING OF PERSONAL INFORMATION OF LAW ENFORCEMENT	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-3-109	KNOWING, INTENTIONAL ACCESS, DISSEMINATE DLD RECORD UNLAWFUL	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-3-202	NO VALID LICENSE - NEVER OBTAINED LICENSE	IN	Y	\$200	\$0	Y	0%	Y	Y	C	
53-3-202(1)	NO VALID LICENSE - NEVER OBTAINED LICENSE	IN	Y	\$200	\$0	Y	0%	Y	Y	C	
53-3-202(1)(A)	NO VALID LICENSE - EXPIRED	IN	N	\$50	\$10	Y	0%	Y	Y	C	
53-3-202(1)(F)	VIOLATION OF LEARNER'S PERMIT	IN	N	\$50	\$0	Y	0%	Y	Y	C	
53-3-202(2)	DRIVE OR BE IN PHYSICAL CONTROL OF TOWED VEHICLE ON HIGHWAY	IN	Y	\$200	\$0	Y	0%	Y	N	C	
53-3-202(3)(A)	DRIVING AS TAXI DRIVER WITHOUT CLASS D ENDORSEMENT	IN	N	\$200	\$0	Y	0%	Y	Y	C	
53-3-202(3)(B)(I)	DRIVE AS PRIVATE PASSENGER CARRIER W/OUT TAXICAB ENDORSEMENT	IN	N	\$200	\$0	Y	0%	Y	Y	C	
53-3-202(3)(B)(II)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT CDL ENDORSEMENT	IN	N	\$200	\$0	Y	0%	Y	Y	C	
53-3-202(3)(B)(II)(B)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT PASSENGER ENDORSEMENT	IN	N	\$200	\$0	Y	0%	Y	Y	C	
53-3-202(3)(B)(II)(C)	DRIVE AS PRIVATE PASSENGER CARRIER W/O SCHOOL BUS ENDORSEMENT	IN	N	\$200	\$0	Y	0%	Y	Y	C	
53-3-202(4)	OPERATE MOTORCYCLE, ATV, OR CYCLE WITHOUT VALID LIC, ENDORSE	IN	Y	\$260	\$0	Y	0%	Y	Y	C	
53-3-202(4)(A)	OPERATE MOTORCYCLE, ATV OR CYCLE WITHOUT VALID LIC, ENDORSE	IN	Y	\$260	\$0	Y	0%	Y	Y	C	
53-3-203	ALLOWING UNLICENSED PERSON TO DRIVE	IN	N	\$90	\$0	Y	0%	N	N	C	
53-3-205	LICENSE APPLICATION VIOLATION	MC	Y	\$340	\$0	N	35%	N	N	C	
53-3-207	DRIVE W/ WRONG CLASS OF LICENSE	IN	N	\$50	\$0	Y	0%	N	N	C	
53-3-208	VIOLATION OF RESTRICTED LICENSE	IN	N	\$50	\$0	Y	0%	Y	N	C	
53-3-210.6(3)	MOTORCYCLE LEARNER PERMIT VIOLATION	IN	N	\$50	\$0	Y	0%	Y	N	C	
53-3-210.6(3)(A)(I)	MOTORCYCLE LEARNER PERMIT VIOL - HWY, SPEED, HOURS	IN	N	\$50	\$0	Y	0%	Y	N	C	
53-3-210.6(3)(A)(II)	MOTORCYCLE PERMIT VIOLATION - PASSENGER	IN	N	\$50	\$0	Y	0%	Y	N	C	
53-3-210.6(3)(A)(III)	MOTORCYCLE PERMIT VIOLATION - HOURS OF DAY	IN	N	\$50	\$0	Y	0%	Y	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
53-3-213	DRIVE VEHICLE W/O PROPER CLASS LICENSE	IN	N	\$90	\$10	Y	0%	N	N	C	\$10 suspended upon compliance.
53-3-216	FAIL TO NOTIFY OF ADDRESS CHANGE	IN	N	\$50	\$0	Y	0%	N	N	C	
53-3-216(1)	CHANGE OF ADDRESS	IN	N	\$50	\$0	Y	0%	N	N	C	
53-3-217	NO DRIVERS LICENSE IN POSSESSION	IN	N	\$50	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid license at time of citation.
53-3-217(1)(A)	NO DRIVER LICENSE IN POSSESSION DRIVING A MOTOR VEHICLE	IN	N	\$50	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid license at time of citation.
53-3-217(1)(B)	FAILURE TO PROVIDE DRIVER LICENSE UPON DEMAND OF AN OFFICER	IN	N	\$50	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid license at time of citation.
53-3-227	DRIVE ON DENIED LICENSE	MC	Y	\$125	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid license at time of citation.
53-3-227(1)	DRIVE ON SUSPENDED OR REVOKE LICENSE	MC	Y	\$340	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid license at time of citation.
53-3-227(3)(A)	DRIVE ON SUSP / REVOKED / DENIED W/ PRIOR CONVICTION	MB	Y	\$750	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid license at time of citation.
53-3-229(1)	PROHIBITED USES OF DRIVER LICENSE CERTIFICATE	MC	Y	\$210	\$0	N	35%	Y	Y	C	
53-3-229(1)(A)	LEND OR PERMIT USE OF OWN LICENSE TO PERSON NOT ENTITLED	MC	Y	\$210	\$0	N	35%	Y	N	C	
53-3-229(1)(B)	DISPLAY/REPRESENT LICENSE AS ONE'S OWN NOT ISSUED TO PERSON	MC	Y	\$210	\$0	N	35%	Y	Y	C	
53-3-229(1)(C)	REFUSE TO SURRENDER LIC TO DLD OR PEACE OFFICER ON DEMAND	MC	Y	\$210	\$0	N	35%	N	Y	C	
53-3-229(1)(D)	FALSIFY OR COMMIT FRAUD IN APPL FOR LIC OR RENEWAL OF LIC	MC	Y	\$210	\$0	N	35%	Y	Y	C	
53-3-229(1)(F)	NOT AN AUTHENTIC DRIVER LICENSE	MC	Y	\$210	\$0	N	35%	Y	Y	C	
53-3-229(1)(G)	ALTER AUTHENTIC LICENSE TO MISREPRESENT ORIGINAL INFORMATION	MC	Y	\$210	\$0	N	35%	Y	Y	C	
53-3-232	CONDITIONAL LICENSE VIOLATION/OP VEH WITH ALCOHOL IN BODY	MB	Y	\$1,670	\$0	N	90%	Y	Y	C	
53-3-305	NOTICE TO DL OF IMPAIRED PERSON W/INTENT TO ANNOY, HARASS, ETC.	IN	N	\$340	\$0	N	35%	N	N	C	
53-3-305(5)	NOTIFY OF IMPAIRMENT WITH INTENT TO ANNOY, HARASS SUBJECT	IN	N	\$340	\$0	N	35%	N	N	C	
53-3-404	NO COMMERCIAL DRIVER LICENSE	IN	N	\$310	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid CDL or CDIP license
53-3-404(1)	NO COMMERCIAL DRIVER LICENSE ISSUED OR IN POSSESSION	MC	N	\$310	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid CDL or CDIP license
53-3-404(2)	LICENSEE TO DISPLAY A CDL OR CDIP LIC UPON DEMAND OF OFFICER	MC	N	\$200	\$0	Y	0%	Y	N	C	May be dismissed upon proof of valid CDL or CDIP license

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
53-3-404(3)	DRIVING ON SUSPENDED, REVOKED, OR CANCELED CDL	MC	Y	\$210	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid CDL or CDIP license
53-3-404(3)(A)	DRIVING ON SUSPENDED, REVOKED, OR CANCELED CDL	MC	Y	\$310	\$0	Y	0%	Y	Y	C	May be dismissed upon proof of valid CDL or CDIP license
53-3-404(3)(B)	DRIVING COMMERCIAL VEHICLE WHILE DISQUALIFIED	MC	N	\$310	\$0	Y	0%	Y	N	C	May be dismissed upon proof of valid CDL or CDIP license
53-3-404(3)(C)	DRIVING WHILE OUT-OF-SERVICE ORDER IN EFFECT	MC	N	\$200	\$0	Y	0%	Y	N	C	May be dismissed upon proof of valid CDL or CDIP license
53-3-404(4)	DRIVE A CMV WHEN VEHICLE IS SUBJECT TO OUT OF SERVICE ORDER	MC	N	\$200	\$0	Y	0%	Y	N	C	May be dismissed upon proof of valid CDL or CDIP license
53-3-406	MORE THAN ONE COM LICENSE	MB	N	\$410	\$0	N	90%	Y	N	C	
53-3-412	CDL CLASSIFICATION ENDORSEMENT AND RESTRICTION VIOLATION	IN	N	\$160	\$0	Y	0%	Y	N	C	
53-3-810	PROHIBITED USES OF IDENTIFICATION CARD	MC	Y	\$210	\$0	N	35%	N	Y	C	
53-3-810(1)	PROHIBITED USES OF IDENTIFICATION CARD	MC	Y	\$210	\$0	N	35%	N	Y	C	
53-3-810(3)	USE FALSE, ALTERED ID TO OBTAIN ALC, ADMITTANCE, OR EMPLOY	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-5-704(14)	PROVIDES FALSE INFORMATION ON CONCEALED WEAPON PERMIT APPLIC	MB	Y	\$680	\$0	N	90%	N	N	S	
53-7-206	NON-STANDARD FIRE EQUIPMENT VIOLATION	MB	Y	\$660	\$0	N	90%	N	Y	C	
53-7-207	SELLING OR OFFERING NON-STANDARD FIRE EQUIPMENT	MB	Y	\$660	\$0	N	90%	N	Y	C	
53-7-216	SERVICE FIRE EXTINGUISHERS W/O LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-7-222	UNAUTHORIZED SALE/USE OF FIREWORKS	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-7-222(1)(A)	UNLAWFUL POSSESSION, DISCHARGE, SALE OF CLASS C FIREWORKS	MB	Y	\$680	\$0	N	90%	N	N	C	
53-7-222(2)	UNCLASSIFIED FIREWORKS SOLD OR OFFERED FOR SALE	MB	Y	\$680	\$0	N	90%	N	N	C	
53-7-223	UNLAW PURCHASE/POSSESSION OF FIREWORKS	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-7-225	TIMES FOR SALE AND DISCHARGE OF FIREWORKS	IN	N	\$150	\$0	N	35%	N	N	C	
53-7-225(3)	TIMES FOR DISCHARGE OF FIREWORKS	IN	N	\$150	\$0	N	35%	N	N	C	
53-7-226	UNLAW PURCHASE/POSSESSION OF FIREWORKS	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-7-226(5)	SALE/STORE/HANDLE FIREWORKS W/O PERMIT	MB	Y	\$680	\$0	N	90%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
53-7-226(6)	RETAIL SALE/TRANSPORT/POSSESS/DISCHARGE CLASS C EXPLOSIVE	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-7-308	ENGAGE IN LPG BUSINESS W/O A LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-7-312	FAIL TO OBTAIN REVIEW INSPECTION LPG FAC	MB	N	\$1,140	\$0	N	90%	N	N	C	
53-8-205(1)(A)	SAFETY INSP REQ ON APPLICATION FOR SALVAGE VEHICLE REG	IN	N	\$50	\$10	Y	0%	N	N	C	\$10 CREDIT CAN BE GIVEN UPON PROOF OF SAFETY INSPECTION.
53-8-205(1)(B)	SAFETY INSP REQ ON 1ST TIME STREET LEGAL ATV	IN	N	\$50	\$10	Y	0%	N	N	C	\$10 CREDIT CAN BE GIVEN UPON PROOF OF SAFETY INSPECTION.
53-8-205(1)(C)	SAFETY INSP REQ ON COMMERCIAL VEH	IN	N	\$50	\$10	Y	0%	N	N	C	\$10 CREDIT CAN BE GIVEN UPON PROOF OF SAFETY INSPECTION.
53-8-206	SAFETY INSPECTION STATION REQUIREMENTS	MB	Y	\$680	\$0	N	90%	N	Y	C	
53-8-207	PRETEND TO BE OFFICIAL SAFETY STATION	MB	N	\$300	\$0	N	90%	N	Y	C	
53-8-208	FRAUDULENT INSPECTION	MC	Y	\$270	\$0	N	35%	N	Y	C	
53-8-209	INSPECTION BY PEACE OFFICER	IN	N	\$340	\$0	N	35%	N	Y	C	
53A-11-101.5(5)	PARENT FAILS TO ENROLL SCHOOL AGE MINOR IN SCHOOL	MB	Y	\$290	\$0	N	90%	N	Y	C	
53A-11-101.5(6)	PARENT FAILS TO ACT ON COMPULSORY EDUCATION	MB	Y	\$380	\$0	N	90%	N	Y	C	
53B-17-304	USE OF DEAD BODIES FOR SCIENCE VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
53B-3-107	VIOLATE TRAFFIC REGULATIONS AT STATE INSTITUTION/HIGHER ED	IN	N	\$130	\$0	N	35%	N	N	C	
53B-3-108	FAILURE TO ENFORCE REGULATIONS AT INSTITUTIONS	MB	N	\$680	\$0	N	90%	Y	Y	C	
53C-2-301	TRESPASSING ON TRUST LANDS	MB	Y	\$680	\$0	N	90%	N	Y	C	
53C-2-301(1)(F)	TRESPASSING ON TRUST LANDS	MB	Y	\$680	\$0	N	90%	N	Y	C	
53C-2-301(1)(G)	TRESPASSES UPON, USES, WASTE, DUMPS OR OCCUPIES TRUST LAND	MB	Y	\$680	\$0	N	90%	N	Y	C	
53C-2-301(4)(D)	ILLEGAL ACTIVITIES ON TRUST LAND DAMAGES/LOSS < \$500	MB	Y	\$680	\$0	N	90%	N	Y	C	
53E-4-407	BOARD MEMBER RECEIVING MONEY VIOLATION	MB	N	\$680	\$0	N	90%	N	Y	C	
53G-6-202(5)	PARENT FAILS TO ENROLL SCHOOL AGE MINOR IN SCHOOL	MB	Y	\$380	\$0	N	90%	N	Y	C	
53G-6-202(6)	PARENT FAILS TO ACT ON COMPULSORY EDUCATION	MB	Y	\$380	\$0		90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
53G-8-602	POSS/CONS ALC BEV AT SCHOOL/SCHOOL ACTIV	MB	Y	\$680	\$0	N	90%	N	Y	C	
53G-8-603	CRIMINAL TRESPASS UPON SCHOOL PROPERTY	MB	Y	\$680	\$0	N	90%	N	Y	C	
54-3-21	FAILURE TO DIVULGE PUBLIC INFORMATION PROPERLY	MB	N	\$680	\$0	N	90%	Y	Y	C	
54-5-4	USE OF PUBLIC UTILITIES WHILE SUSPENDED	MB	N	\$680	\$0	N	90%	Y	Y	C	
55-5a-3	PERMIT VIOLATION TO SELL BLIND-MADE PRODUCTS OR SERVICES	MB	Y	\$680	\$0	N	90%	N	Y	C	
56-1-12	RAILROAD INJURY OF LIVESTOCK NOT REPORTED W/IN 3 DAYS	MB	N	\$680	\$0	N	90%	Y	Y	C	
56-1-14	LOCOMOTIVE TO SOUND BELL WHILE CROSSING GRADE	MB	N	\$680	\$0	N	90%	Y	Y	C	
56-1-16	RAILROAD TO MAINTAIN SCHEDULE	MB	N	\$680	\$0	N	90%	Y	Y	C	
56-1-29	REMOVAL OR IMPROPER USE OF FIRST AID ON LOCOMOTIVE	MB	N	\$680	\$0	N	90%	Y	Y	C	
57-11-5	LAND SALES VIOLATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-31B-501	UNLAWFUL CONDUCT NURSING LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-37-3.9(3)(C)	CARDHOLDER SMOKING CANNABIS	IN	N	\$100	\$0	N	35%	N	Y	C	
58-37-6(7)(I)	LICENSED PRACTITIONER DISPENSE C/S TO CHILD W/OUT CONSENT	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable Offense
58-37-6(7)(J)	LICENSED PRACTITIONER ADMINISTERS C/S IN EXCESS QUANTITY	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable Offense
58-37-6(7)(K)	LIC PRACT NOT TO DISPENSE CONTROLLED SUB KNOWING ID IS FALSE	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-6(10)	MEDICAL RESEARCHER NOT TO PRESCRIBE, DISPENSE CONTROL SUBST	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-7	VIOLATION OF LABELING / PACKAGING CONTROLLED SUBSTANCE	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37-7(4)	ALTER OR REMOVE LABEL OF CONTROLLED SUBSTANCE	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37-7(5)(A)	MIXED CONTROLLED SUBSTANCE IN A CONTAINER	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37-8(1)(A)(I)	KNOWINGLY PRODUCE/DISPENSE/MANUFACTURE CONTROLLED SUBSTANCE	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(1)(A)(II)	DISTRIBUTE/OFFER/ARRANGE DISTRIBUTION OF CONTROLLED SUBSTANCE	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(A)(I)	POSSESSION OR USE OF A CONTROLLED SUBSTANCE	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
58-37-8(2)(A)(II)	KNOWINGLY BEING PRESENT WHEN CONTROLLED SUBSTANCE IS USED	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(A)(III)	POSSESSION OF AN ALTERED OR FORGED RX	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(D)	POSSESSION OF CONTROLLED SUBSTANCE MARIJUANA/SPICE	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(E)	POSSESSION OF C/S WITHIN A CORRECTIONAL FACILITY	MB	Y	\$680	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37A-5(1)	USE OR POSSESSION OF DRUG PARAPHERNALIA	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37A-5(1)(A)	USE OR POSSESSION OF DRUG PARAPHERNALIA	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37A-5(4)	UNLAW TO ADVERTISE DRUG PARAPHERNALIA	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37A-5(4)(A)	UNLAW TO ADVERTISE DRUG PARAPHERNALIA	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37B-6	USE OF IMITATION CONTROLLED SUBSTANCE	MC	Y	\$340	\$0	N	35%	Y	Y	C	
58-37C-18	REC-KEEPING FOR SALE OF CRYSTAL IODINE	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37C-19(1)	UNLAWFUL SALE OF CRYSTAL IODINE BY LICENSED PERSON	MB	Y	\$1,950	\$0	N	90%	N	Y	C	
58-37C-19.5(5)	UNLAWFUL SALE OR DISTRIBUTION OF IODINE MATRIX	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-37C-20.5(6)	ILLEGAL RELEASE/MODIFICATION OF PSEUDOEPHEDRINE LOG	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37C-20.5(7)	PURCHASE EXCESS EPHEDRINE, PSEUDOEPHEDRINE	MB	Y	\$680	\$0	N	90%	Y	Y	C	
58-37F-601(1)(B)(I)	NEGLIGENT RELEASE-STATE/FED INFO OPIOID PRESCRIPT DATABASE	MC	N	\$340	\$0	N	35%	N	Y	C	
58-37F-601(1)(B)(II)	ELECTRONICALLY ACCESS INFO-OPIOID PRESCRIPTION DATABASE	MC	Y	\$340	\$0	N	35%	N	Y	C	
58-3A-501	UNLAWFUL CONDUCT/ARCHITECT	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-50-4	PRIVATE PROBATION PROVIDER W/O LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-55-301	CONTRACTING W/O A LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-55-305(2)	CONSTRUCTION-CONTRACTING W/O A LIC	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-55-501(13)	THEFT BY CONTRACTOR FOR TAKING MONEY W/OUT PROVIDING SERVICE	IN	N	\$150	\$0	N	35%	N	Y	C	
58-55-501(16)(A)	LICENSED CONTRACTOR DELIBERATE DISREGARD OF BLDG/CONST LAWS	MB	Y	\$680	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
58-55-501(16)(D)	LICENSED CONTRACTOR WILLFUL DISREGARD OF WORKERS COMP LAWS	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-55-501(7)	FAIL TO OBTAIN BUILDING PERMIT	MB	Y	\$680	\$0	N	90%	N	N	C	
58-55-501(8)	SUBMITTING A BID WITHOUT A LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
58-55-503(2)	FAILURE TO PAY A SUBCONTRACTOR	IN	N	\$150	\$0	N	35%	N	N	C	
58-9-607(4)	REMOVAL OF ITEMS FROM HUMAN REMAINS	MB	Y	\$680	\$0	N	90%	N	Y	C	
59-13-320	FUEL TAX VIOLATION - NO SPECIAL FUEL PERMIT	MB	N	\$110	\$20	Y	0%	N	N	C	\$20 suspended with proof of valid permit
59-14-201(1)	FAILURE TO OBTAIN LIC TO SELL CIGARETTES	MB	Y	\$680	\$0	N	90%	N	Y	C	
59-14-208	STAMPING AND PACKAGING PROCEDURE VIOLATION	MB	Y	\$680	\$0	N	90%	N	N	C	
59-14-211	DEAL WITH PROHIB CIGS - PRIV RGHT OF ACT	MB	Y	\$680	\$0	N	90%	N	Y	C	
59-14-214	FAIL TO TIMELY FILE REPORT OR FILES FALSE, MISLEADING INFO	MB	Y	\$680	\$0	N	90%	N	Y	C	
59-14-407	FAIL TO TIMELY FILE REPORT OR FILES FALSE, MISLEADING INFO	MB	Y	\$680	\$0	N	90%	N	Y	C	
59-14-606	FAIL TO TIMELY FILE REPORT OR FILES FALSE, MISLEADING INFO	MB	Y	\$680	\$0	N	90%	N	Y	C	
59-14-803(1)	SELL/OFFER/DISTRIBUTE ELECTRONIC CIGARETTE W/OUT LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
62A-15-622	ABDUCTION OF MENTAL HEALTH PAT	MB	Y	\$680	\$0	N	90%	N	Y	C	
62A-15-643	UNLAWFUL DISCLOSURE OF MENTAL HEALTH INFORMATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
62A-3-305(1)	FAIL TO REPORT SUSPECTED ABUSE/NEGLECT/EXPLOIT OF VULN ADULT	MB	Y	\$680	\$0	N	90%	N	Y	C	
62A-3-305(5)	INTIMIDATE VULN ADULT OR PERSON COOPERATING IN INVESTIGATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
62A-4A-206(7)	TAKE ACTION AGAINST LIC OF FOSTER PARENT OR REMOVE FROM FOST	IN	N	\$610	\$0	N	35%	N	Y	C	
62A-4A-411	FAILURE TO REPORT ABUSE OF CHILD	MB	Y	\$300	\$0	N	90%	N	Y	C	
62A-4A-412(4)	RELEASE OF CONFIDENTIAL DCFS INFO	MC	Y	\$340	\$0	N	35%	N	Y	C	
62A-4A-501(2)	UNLAWFULLY PROVIDE SHELTER TO A RUNAWAY	MB	Y	\$680	\$0	N	90%	N	Y	C	
62A-5B-106(1)	INTERFERING WITH THE RIGHTS OF A DISABLED PERSON	MC	Y	\$340	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
62A-5B-106(2)	KNOWINGLY MISREPRESENTING ANIMAL AS A SERVICE ANIMAL	MB	N	\$680	\$0	N	90%	N	N	C	
62A-7-106.5(2)	NON-COMPLIANCE WITH DIVISION STANDARDS	MB	Y	\$680	\$0	N	90%	N	N	C	
63A-12-105	MUTIL/DEST/DISPOSE OF RECORD CONTRARY TO GOVT RETENT SCHEDULE	MB	Y	\$680	\$0	N	90%	N	N	C	
63A-5B-1103	MAKING KEYS TO A PUBLIC, POLITICAL, COLLEGE, OR UNIV W/OUT PERMISSION	MB	N	\$680	\$0	N	90%	N	Y	C	
63C-9-301	VIOLATION OF A RULE RELATING TO THE USE OF THE CAPITOL HILL	IN	N	\$100	\$0	N	35%	N	N	C	
63G-12-211(4)	FURNISH FALSE OR FORGED INFORMATION, DOCUMENTS FOR APP	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-2-801(1)	INTENTIONALLY DISCLOSE PRIVATE, CONTROLLED RECORD	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-2-801(2)	FALSELY OBTAIN ACCESS TO RECORDS NOT LEGALLY ENTITLED TO	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-2-801(3)(A)	PUBLIC EMPLOYEE REFUSAL TO RELEASE RECORD REQUIRED BY LAW	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-2-801(3)(C)	PUBLIC EMPLOYEE REFUSAL TO RELEASE RECORD BY FINAL ORDER	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-24-103	PROVIDE/DISCLOSE PROTECTED PERSONAL INFORMATION	MC	N	\$340	\$0	N	35%	N	Y	C	
63G-6A-2404(4)(D)	GIVE/OFFER/PROMISE OR RECEIVE A GRATUITY OR KICKBACK OF <\$10	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-6A-408(8)(A)	KNOWINGLY DIVIDE PROCUREMENT IN ONE/MORE SMALLER PROCUREMENT	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-6A-408(8)(A)(I)	DIVIDE PROCUREMENT TO QUALIFY AS A SMALL PURCHASE	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-6A-408(8)(A)(II)	DIVIDE PROCUREMENT TO MEET THRESHOLD ESTABLISHED BY RULE	MB	Y	\$680	\$0	N	90%	N	Y	C	
63G-6A-408(8)(B)(IV)	DIVIDE PROCUREMENT-VALUE BEFORE IS <\$100,000	MB	Y	\$680	\$0	N	90%	N	Y	C	
63M-7-510(2)(A)	FRAUDULENT CRIME VICTIM REPARATIONS CLAIM <\$500	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-14-301	ECONOMIC BENEFITS OF BIOPROSPECTING DENIED (CRIMINAL TRESPASS	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)	TRESPASSING ON STATE LANDS	MB	Y	\$583	\$0	N	90%	N	Y	C	
65A-3-1(2)(A)	UNAUTHORIZED REMOVE,EXTRACT,USE,CONS OR DESTROYS RESOURCES	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)(B)	WITHOUT WRITTEN AUTHORIZATION: GRAZE LIVESTOCK ON STATE LAND	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)(C)	WITHOUT WRITTEN AUTHORIZATION: USES, OCCUPIES, CONSTRUCTS	MB	Y	\$680	\$0	N	90%	N	Y	C	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
65A-3-1(2)(D)	USE OCCUPY STATE LANDS FOR MORE THAN 30 DAYS BEYOND CANCEL	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)(E)	NO WRITTEN AUTH: KNOWING AND WILLFUL USE STATE LAND FOR GAIN	MB	Y	\$1,070	\$0	N	90%	N	Y	C	
65A-3-1(2)(F)	APPROP/DEST HISTORIC, ARCHEO- OR PALEONTOLOGICAL RESOURCES	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)(G)	START CAMPFIRE/CAMP ON NAVIGABLE LAKE OR RIVER	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)(H)	CAMPS ON STATE LANDS OR DESIGNATED AREAS	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)(I)	CAMPS ON STATE LANDS > 15 DAYS WITHIN 1 MILE	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)(J)	CAMPS ON STATE LAND FOR 15 DAYS-RETURN TO LOCATION > 15 DAYS	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(2)(K)	FAIL OF PASSENGER 16 YRS OR OLDER, TO WEAR SEAT BELT	MB	Y	\$680	\$0	N	90%	N	N	C	
65A-3-1(2)(L)	PARK OR OPERATE VEHIC ON NAVIGABLE LAKE OR RIVER BED	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-1(3)	UNLAWFUL VEHICLE USE, CAMPING ON BEAR LAKE EXPOSED LAKE BED	MC	N	\$340	\$0	N	35%	N	Y	C	
65A-3-1(3)(A)	UNLAWFUL MOTOR VEHICLE USE, CAMPING, FIREWORKS AT BEAR LAKE	MC	N	\$340	\$0	N	35%	N	Y	C	
65A-3-1(3)(B)	UNLAWFUL MOTOR VEHICLE USE, CAMPING, FIREWORKS AT BEAR LAKE	MC	N	\$340	\$0	N	35%	N	Y	C	
65A-3-1-C	TRESPASSING ON STATE LANDS (CAMPING AND MOTORIZED)	MC	N	\$170	\$0	N	35%	N	N	C	
65A-3-1-O	TRESPASSING ON STATE LANDS (OTHER)	MC	N	\$170	\$0	N	35%	N	N	C	
65A-3-2(1)	PROHIBITED ACTS ON STATE LANDS	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-2(1)(A)	THROW/PLACE A GLOWING/FLAMING/LIGHTED ITEM ON HWY/WILDLAND	MB	Y	\$1,070	\$0	N	90%	N	N	C	
65A-3-2(1)(B)	OBSTRUCT STATE FORESTER OR DEPUTY IN PERFORMING FIRE CONTROL	MB	Y	\$1,070	\$0	N	90%	N	N	C	
65A-3-2(1)(C)	REFUSE TO ASSIST IN CONTROLLING FIRE WITHOUT GOOD REASON	MB	Y	\$1,070	\$0	N	90%	N	N	C	
65A-3-2(1)(D)	FIRE ANY TRACER OR INCENDIARY AMMUNITION	MB	Y	\$1,070	\$0	N	90%	N	Y	C	
65A-3-2.5	RECKLESSLY OPERATE UNMANNED AIRCRAFT	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-3-305(5)	THREATEN, INTIMIDATE (OR ATTEMPTED) VULN ADULT AS WITNESS	MB	Y	\$680	\$0	N	90%	N	Y	C	
65A-8-211	BURNING DURING CLOSED FIRE SEASON	MB	Y	\$1,070	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
65A-8-211(2)	BURN WITHOUT PERMIT	MB	Y	\$1,070	\$0	N	90%	N	N	C	
65A-8-211(6)	FAILURE TO NOTIFY FIRE DEPT OF BURN	MC	N	\$340	\$0	N	35%	N	N	C	
65A-8-212	VIOLATION OF FIRE RESTRICTION ORDER	MB	Y	\$580	\$0	N	90%	N	N	C	
65A-8A-104	FAILURE TO NOTIFY OF INTENT TO CONDUCT FOREST PRACTICES	MB	Y	\$680	\$0	N	90%	N	N	C	
67-16-4	IMPROPER USE OF EMPLOYEES POSITION	MB	Y	\$680	\$0	N	90%	N	Y	C	
67-16-9	PUBLIC EMPLOYEE CONFLICT OF INTEREST	MB	Y	\$680	\$0	N	90%	N	Y	C	
7-25-405	DEPARTMENT OF FINANCIAL INSTITUTIONS LICENSING VIOLATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
70C-8-202	FAIL TO FILE NOTIFICATION W/DEPT FINANCE	MB	Y	\$680	\$0	N	90%	N	Y	C	
71-10-3	FAILURE TO GIVE VETERANS PREFERENCE	MB	N	\$680	\$0	N	90%	Y	Y	C	
72-5-118	UNLAWFUL ROAD CLOSURE	MC	N	\$200	\$0	N	35%	N	N	C	
72-10-109(1)(A)	FAILURE TO OBTAIN CERTIFICATE OF REGISTRATION ON AIRCRAFT	MC	Y	\$340	\$0	N	35%	N	N	C	
72-10-113	PILOT'S CERTIFICATE OF COMPETENCY REQUIRED	MB	Y	\$680	\$0	N	90%	N	N	C	
72-10-115	FAIL TO SHOW PILOT CERTIFICATE	MB	Y	\$650	\$0	N	90%	N	N	C	
72-10-127	TAMPERING WITH AIRCRAFT FORBIDDEN	MB	Y	\$680	\$0	N	90%	N	Y	C	
72-10-128	TAMPERING WITH AIRPORT OR ITS EQUIPMENT	MB	Y	\$680	\$0	N	90%	N	Y	C	
72-10-412	AIRPORT ZONING VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
72-10-501	FLYING UNDER INFLUENCE OF ALCOHOL AND/OR DRUGS	MB	Y	\$1,460	\$0	N	90%	N	Y	C	
72-14-303(2)(A)	FLY UNMANNED AIRCRAFT CARRYING WEAPON W/O CERT OF AUTHORIZATION	MB	Y	\$680	\$0	N	90%	N	Y	C	
72-14-403	UNLAWFUL OPERATION OF UNMANNED AIRCRAFT	IN	N	\$100	\$0	N	35%	N	Y	C	
72-14-403(8)(D)	UNLAWFUL OPERATION OF UNMANNED AIRCRAFT AFTER INFRACTION CONVICTION	MB	Y	\$340	\$0	N	90%	N	Y	C	
72-6-114	FAIL TO OBSERVE BARRICADE, LIGHT SIGN, CONE, OR OBEY FLAGMAN	MB	N	\$680	\$0	N	90%	Y	N	C	
72-7-102	BARRIERS PROHIBITED IN RIGHT OF WAY	MB	Y	\$170	\$0	N	90%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
72-7-102(2)(B)	OBJECT PROHIBITED WITHIN RIGHT OF WAY	MB	Y	\$680	\$0	N	90%	N	N	C	
72-7-106	GATES ON CLASS B AND D ROADS	MB	Y	\$680	\$0	N	90%	N	N	C	
72-7-203	FAIL TO OBTAIN JUNKYARD LICENSE	MB	Y	\$680	\$0	N	90%	N	Y	C	
72-7-301	DAMAGE TO HIGHWAY	MB	Y	\$680	\$0	N	90%	N	Y	C	
72-7-302(1)	DAMAGE TO SIGNS, WARNINGS, OR BARRIERS	MB	Y	\$680	\$0	N	90%	N	Y	C	
72-7-303	OBSTRUCTING HIGHWAY WITH SNOW OR WATER	MB	N	\$680	\$0	N	90%	N	N	C	
72-7-304	INJURY TO TREES ON HIGHWAY	MB	Y	\$680	\$0	N	90%	N	N	C	
72-7-402	OVERSIZED VEHICLE VIOLATION	MC	N	\$310	\$0	Y	0%	N	N	C	
72-7-403	TOWING REQUIREMENTS	IN	N	\$230	\$0	N	35%	N	N	C	If weight is specified, use overload schedule
72-7-403(2)	TOWING REQUIREMENTS - WHIPS/SWERVES	IN	N	\$230	\$0	N	35%	N	N	C	If weight is specified, use overload schedule
72-7-404(1)(B)	TIRE LOAD RATING VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	
72-7-404(2)(A)	AXLE LIMITATION VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	
72-7-404(2)(B)	VEHICLE GROSS WEIGHT VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	
72-7-404(3)(A)	BRIDGE VIOLATION	IN	N	\$50	\$0	Y	0%	N	N	C	
72-7-405(4)	REFUSAL TO SUBMIT TO MEASURE OR WEIGHT	IN	Y	\$280	\$0	N	35%	N	N	C	
72-7-406	VIOLATION OF OVERWEIGHT/OVERSIZE PERMIT	IN	N	\$310	\$0	Y	0%	N	N	C	
72-7-407	IMPLEMENTS OF HUSBANDRY - ESCORT VEHICLE REQ	IN	N	\$340	\$0	N	35%	N	N	C	
72-7-408	RESTRICTIONS ON HIGHWAY USE BECAUSE OF CLIMATIC CONDITIONS	IN	N	\$200	\$0	N	35%	N	Y	C	If weight is specified, use bail for UCA 41-1a-1304
72-7-409(6)(B)(I)	FAILURE TO SECURE LOAD ON VEHICLE CREATING HAZARD	IN	N	\$250	\$0	N	35%	N	N	C	Minimum of \$200 fine or \$500 for 2nd+ offense w/in 3 years.
72-7-409(6)(B)(I){2ND}	FAILURE TO SECURE LOAD ON VEHICLE - 2ND/SUBSEQUENT W/IN 3 YEARS	IN	Y	\$500	\$0	N	35%	N	N	C	Minimum of \$200 fine or \$500 for 2nd+ offense w/in 3 years.
72-7-409(6)(B)(II)	FAILURE TO SECURE LOAD ON VEHICLE LEADING TO ACCIDENT	MB	N	\$680	\$0	N	90%	N	N	C	
72-7-409(6)(B)(II){2ND}	FAILURE TO SECURE LOAD - ACCIDENT - 2ND/SUBSEQUENT W/IN 3 YRS	MB	Y	\$750	\$0	N	90%	N	N	C	Minimum of \$200 fine or \$500 for 2nd+ offense w/in 3 years.

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
72-7-409(6)(D)(I)	COMMERCIAL VEHICLE FAILURE TO SECURE LOAD CREATING HAZARD	IN	N	\$500	\$0	N	35%	N	N	C	
72-7-409(6)(D)(I){2ND}	COMMERCIAL VEHICLE FAILURE TO SECURE LOAD ON VEHICLE - 2ND/SUBSEQUENT W/IN 3 YRS	IN	Y	\$1,000	\$0	N	35%	N	N	C	Minimum of \$500 fine or \$1,000 for 2nd+ offense w/in 3 years.
72-7-503	ADVERTISING ON HIGHWAY	MB	Y	\$680	\$0	N	90%	N	N	C	
72-7-504	PROHIBITED ADVERTISING NEAR INTERSTATE OR PRIMARY SYSTEM	MB	N	\$680	\$0	N	90%	N	N	C	
72-9-105	INFORMATION LETTERED ON VEHICLE	MB	N	\$190	\$0	N	90%	N	N	C	
72-9-502	FAIL TO STOP AT PORT OF ENTRY	MB	N	\$260	\$0	Y	0%	N	N	C	
72-9-601	TOW TRUCK BUSINESS VIOLATION	MB	N	\$200	\$0	N	90%	N	Y	C	
72-9-602	TOW TRUCK EQUIPMENT VIOLATION	MB	N	\$200	\$0	N	90%	N	N	C	
72-9-603(1)(B)	TOWING NOTICE VIOLATION	MB	Y	\$680	\$0	N	90%	N	N	C	
72-9-701	MOTOR CARRIER UNLAWFUL CONDUCT	MB	Y	\$680	\$0	N	90%	N	N	C	
73-1-14	INTERFERE WITH WATERWORKS OR APPORTIONMENT	MB	Y	\$680	\$0	N	90%	N	Y	C	
73-1-15	OBSTRUCTING CANALS OR WATERCOURSES	MB	Y	\$650	\$0	N	90%	N	N	C	
73-18-10(1)	FAILURE TO KEEP RECORDS BY A BOAT LIVERY	MC	Y	\$300	\$0	N	35%	N	N	C	
73-18-10(2)	FAIL TO EQUIP VESSEL W/SAFETY EQUIPMENT/NOTIFY OF LIVERY RULE	MC	Y	\$300	\$0	N	35%	N	N	C	
73-18-12	RECKLESS OPERATION OF NON-MOTOR VESSEL/MANIPULATE WATER SKI	MB	Y	\$680	\$0	N	90%	N	N	C	
73-18-13(1)	FAIL TO GIVE ASSISTANCE (BOATING)	MB	Y	\$680	\$0	N	90%	N	Y	C	
73-18-13(2)	FAILURE TO GIVE NAME AND ASSISTANCE AT AN ACCIDENT	MB	Y	\$680	\$0	N	90%	N	Y	C	
73-18-13(4)	FALSE INFORMATION AT ACCIDENT (BOATING)	MB	Y	\$1,950	\$0	N	90%	N	Y	C	
73-18-13(6)	GIVE FALSE WRITTEN INFORMATION (BOATING)	MB	Y	\$1,950	\$0	N	90%	N	Y	C	
73-18-13.1(2)	ACCIDENT INVOLVING PROPERTY DAMAGE	MB	Y	\$680	\$0	N	90%	N	N	C	
73-18-15.1	VESSEL NAVIGATION & STEERING LAWS	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(1)	FAILURE TO MAINTAIN PROPER LOOKOUT	MC	N	\$170	\$0	N	35%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
73-18-15.1(10)	FAILURE TO OBEY SPEED AND PROXIMITY	MC	N	\$270	\$0	N	35%	N	N	C	
73-18-15.1(11)	DAMAGE OR INJURY CAUSED BY WAKE CREATED BY OPERATORS VESSEL	MC	N	\$270	\$0	N	35%	N	Y	C	
73-18-15.1(12)	PERSON RIDING ON UNAUTHORIZED PORTION OF VESSEL	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(13)	PERSON ON BOW NOT STRADDLING STANCHION OR BLOCKING VIEW	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(14)(A)	NO OBSERVER OR OBSERVER NOT OVER 8 YEARS OF AGE	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(14)(B)	TOWED PERSON BETWEEN SUNSET AND SUNRISE	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(15)	DISPLAY NAV LIGHTS BETWEEN SUNSET/SUNRISE	MC	N	\$150	\$0	N	35%	N	N	C	
73-18-15.1(2)	FAILURE TO ALTER COURSE IN MEETING SITUATION	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(3)	FAILURE TO YIELD RIGHT OF WAY WHEN CROSSING	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(4)	FAILURE TO YIELD RIGHT OF WAY WHEN OVERTAKING	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(5)	FAILURE TO STAY OUT OF WAY OF LESS MANEUVERABLE VESSEL	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(7)	FAILURE TO KEEP RIGHT IN NARROW CHANNELS	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.1(8)	FAILURE TO TAKE ACTION IN AVOIDING ACCIDENT	MC	N	\$170	\$0	N	35%	N	Y	C	
73-18-15.1(9)	FAILURE TO YIELD SAILBOAT VS SAILBOAT	MC	N	\$170	\$0	N	35%	N	N	C	
73-18-15.2	OPERATE VESSEL UNDER AGE W/O ADULT	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-15.2(1)	UNDER 16 OP MOTOR/SAILBOAT W/O ADULT/SINGLE MB/SB SUPERVISED	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-15.2(2)(A)	OPERATE PWC OVER AGE 12 UNDER AGE 16 W/OUT ADULT SUPERVISION	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-15.2(2)(B)	OPERATE PWC OVER AGE 12 UNDER AGE 16 W/O EDUCATION CERTIF	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-15.2(2)(C)	OPERATE PWC AGE 12 TO AGE 16 W/O CERTIFICATE IN POSSESSION	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-15.2(3)(A)	OPERATE PWC OVER AGE 16 UNDER 18 W/O EDUCATION CERTIFICATE	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-15.2(3)(B)	OPERATE PWC AGE 16 - 18 W/O EDUCATION CERTIF IN POSSESSION	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-15.2(5)	GAVE PERMISSION FOR UNDERAGE OPERATION	IN	N	\$170	\$0	N	35%	N	N	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
73-18-15.3	OPERATION OF PERSONAL WATERCRAFT PROHIBITED SUNSET - SUNRISE	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-15.5	AUTHORIZING A DUI OR RECKLESS OPERATION	MC	Y	\$350	\$0	N	35%	N	Y	C	
73-18-16	HELD A MARINE EVENT WITHOUT PROPER AUTHORIZATION	IN	Y	\$300	\$0	N	35%	N	N	C	
73-18-20(2)	FAIL TO COMPLY W/POLICE (BOATING)	MB	N	\$240	\$0	N	90%	N	Y	C	
73-18-20.4	DUTY TO REPORT FALSIFIED VESSEL OR MOTOR NUMBER	MB	Y	\$390	\$0	N	90%	N	N	C	
73-18-6(1)	FAILURE TO DISPLAY BOW NUMBERS	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-7	BOATING REGISTRATION VIOLATION	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-7(1)	EXPIRED, IMPROPER OR NO CURRENT REGISTRATION	IN	N	\$140	\$10	N	35%	N	Y	C	
73-18-7(15)	UNASSIGNED NUMBER DISPLAYED ON BOAT	IN	Y	\$140	\$0	N	35%	N	N	C	
73-18-7(3)	NO REG IN VEHICLE WHILE OPERATING (BOAT)	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-7(3)(B)	NO REGISTRATION CARD ON VESSEL	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-7(4)(A)	IMPROPER LOCATION / ATTACHMENT OF BOW NUMBERS	IN	N	\$140	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(4)(B)	BOW NUMBERS/PLAIN VERTICAL BLOCK CHARACTERS AT LEAST 3" HIGH	IN	N	\$140	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(4)(C)	BOW NUMBERS CONTRAST W/COLOR BACKGROUND/VISIBLE & LEGIBLE	IN	N	\$140	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(4)(D)	NO SPACES OR HYPHENS BETWEEN GROUPINGS OF BOW NUMBER	IN	N	\$140	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(4)(E)	BOW NUMBERS NOT READ FROM LEFT TO RIGHT	IN	N	\$140	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(6)	NONRES OWNER OPERATING BOAT IN EXCESS OF RECIPROCITY PERIOD	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-7.2(2)	USE OF REGISTRATION/DECAL BELONGING TO ANOTHER VESSEL	MC	Y	\$200	\$0	N	35%	N	N	C	
73-18-8	SAFETY EQUIPMENT REQUIRED TO BE ON BOARD VESSELS	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-8(1)(A)	INSUFFICIENT APPROVED PFD'S	IN	N	\$170	\$0	N	35%	N	Y	C	
73-18-8(1)(B)(I)	PFD IN UNSERVICEABLE CONDITION	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-8(1)(B)(II)	NO USCG APPROVAL ON PFD	IN	N	\$170	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
73-18-8(1)(B)(III)	INAPPROPRIATE SIZE PFD	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-8(1)(E)	FAILURE TO HAVE TYPE IV PFD ON BOARD	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-8(2)	FAIL TO DISPLAY NAVIGATION LIGHTS BETWEEN SUNSET & SUNRISE	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-8(3)	IMPROPER VENTILATION	IN	N	\$140	\$0	N	35%	N	Y	C	
73-18-8(4)	NON-APPROVED OR INADEQUATE NUMBER OF FIRE EXTINGUISHERS	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-8(5)	NON-APPROVED OR INADEQUATE BACKFIRE FLAME CONTROL DEVICE	IN	N	\$140	\$0	N	35%	N	N	C	
73-18-8(7)	GAVE PERMISSION TO OPERATE WITHOUT PROPER SAFETY EQUIPMENT	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-8.1(1)	NO CAPACITY/CERTIFICATION LABEL (BOAT)	IN	N	\$170	\$0	N	35%	N	N	C	
73-18-8.1(2)	OPERATE/PERMISSION TO OPERATE/OVERLOADED/OVERPOWERED VESSEL	IN	N	\$200	\$0	N	35%	N	N	C	
73-18-8.1(3)	ALTERED/DEFACED/REMOVED CAPACITY/CERTIFICATION LABEL	IN	Y	\$300	\$0	N	35%	N	Y	C	
73-18-8.1(4)	OPERATE/PERMISSION TO OP VESSEL W/CAPACITY LABEL ALTER/DEFACE	IN	Y	\$300	\$0	N	35%	N	N	C	
73-18A-2	LITTER/POLLUTE WATER/LANDS PROH-BOATING	MB	Y	\$340	\$0	N	90%	N	Y	C	
73-18A-2(1)	LITTER/DEPOSIT WASTE ETC IN WATERS OF STATE OR LAND ADJACENT	MB	Y	\$390	\$0	N	90%	N	Y	C	
73-18A-3	UNLAWFUL USE OF MARINE TOILET	MB	Y	\$1,070	\$0	N	90%	N	N	C	
73-18A-3(1)	ALLOW MARINE TOILET RELEASE/UNTREATED BODY WASTE IN WATER	MB	Y	\$1,070	\$0	N	90%	N	Y	C	
73-18A-4(1)	MARINE TOILET WITHOUT APPROVED POLLUTION CONTROL DEVICE	MB	Y	\$390	\$0	N	90%	N	Y	C	
73-18C-302	OPERATE MOTORBOAT W/O OWNER/PROPERTY SECURITY (INSURANCE)	MC	Y	\$380	\$0	N	35%	N	N	C	
73-18C-304	NO EVIDENCE OWNER/OPERATOR SECURITY (INSURANCE) ON VESSEL	MC	N	\$380	\$0	N	35%	N	N	C	Dismissed upon proof of valid insurance at the time
73-18C-308(1)	PROVIDING FALSE EVIDENCE OWNERSHIP, INSURANCE	MB	N	\$680	\$0	N	90%	N	Y	C	
73-2-20(2)	REMOVAL, INJURY OF MARKS AND MONUMENTS	MB	Y	\$680	\$0	N	90%	N	Y	C	
73-3-26	OPERATING AS A WELL DRILLER W/O LICENSE	MB	N	\$680	\$0	N	90%	N	Y	C	
73-3-29	RELOCATION OF NATURAL STREAMS	MB	Y	\$680	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
73-3-3(9)	DIVERT WATER OR CHANGE USE W/O APPLICATION TO STATE ENGINEER	MB	Y	\$680	\$0	N	90%	N	Y	C	
73-5-9	FAILURE TO COMPLY WITH STATE ENGINEER REQS	MB	Y	\$680	\$0	N	90%	N	N	C	
76-10-1002	FORGING OR COUNTERFEITING TRADEMARK	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1003	SELL GOODS W/ COUNTERFEIT TRADEMARK	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1004	SALES IN CONTAINERS W/REG TRADEMARK OF SUBSTITUTE ARTICLES	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1006	SALES/DEALS WITH ARTICLES BEARING REG TRADEMARK VIOLATIONS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1007	USE OF REGISTERED TRADEMARK W/O CONSENT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-102	VIOLATING AD RESTRICTIONS CIGARETTES/TOBACCO/SMOKLSS TOBACCO	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-103	PERMIT MINORS TO USE TOBACCO	MC	Y	\$340	\$0	N	35%	N	N	C	
76-10-104	ADULT SELLING TOBACCO TO ADOLESCENT	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-10-104(1)	PROVIDING CIGAR, CIGARETTE, E-CIGARETTE OR TOBACCO TO MINOR	MC	N	\$340	\$0	N	35%	N	Y	C	
76-10-104.1(2)	PROVIDE TOBACCO PARAPHERNALIA TO A MINOR	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-10-105	PURCHASE OR POSSESSION OF TOBACCO BY A MINOR	IN	Y	\$60	\$0	N	35%	N	Y	C	Minimum \$60 fine and participate in court-approved education
76-10-105.1(2)	UNLAWFUL NON-FACE-TO-FACE TOBACCO SALES	MC	N	\$340	\$0	N	35%	N	Y	C	Minimum \$60 fine and participate in court-approved education
76-10-105.1(3)	MINOR PURCHASE OF TOBACCO MAIL BY ORDER/VENDING MACHINE	MC	Y	\$340	\$0	N	35%	N	Y	C	Minimum \$60 fine and participate in court-approved education
76-10-105.1(5)	PERMIT UNDERAGE TOBACCO POSSESSION, BY PARENT	MC	N	\$340	\$0	N	35%	N	N	C	Minimum \$60 fine and participate in court-approved education
76-10-105.1(5)(A)	PARENT/GUARDIAN PERMITTING MINOR PURCHASE OF TOBACCO	MC	Y	\$340	\$0	N	35%	N	Y	C	Minimum \$60 fine and participate in court-approved education
76-10-105.1(6)(B)	PARENT/GUARDIAN PERMITTING MINOR PURCHASE OF TOBACCO 2ND OFF	MB	Y	\$680	\$0	N	90%	N	Y	S	Minimum \$60 fine and participate in court-approved education
76-10-105.3	PROHIBITED SALE/GIFT CLOVE CIGARETTES	MB	Y	\$680	\$0	N	90%	N	Y	S	Minimum \$60 fine and participate in court-approved education
76-10-107	ABUSE OF PSYCHOTOXIC CHEMICAL SOLVENTS	MB	Y	\$480	\$0	N	90%	N	Y	S	
76-10-107(1)(A)	USE OR POSSESS PSYCHOTOXIC CHEMICALS	MB	Y	\$480	\$0	N	90%	N	Y	S	
76-10-107(1)(A)(I)	SMELL OR INHALE FUMES OF ANY PSYCHOTOXIC CHEMICAL SOLVENT	MB	Y	\$480	\$0	N	90%	N	Y	S	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-10-107(1)(A)(II)	POSSESS/PURCHASE/ATTEMPT PURCHASE PSYCHOTOXIC CHEM SOLVENT	MB	Y	\$480	\$0	N	90%	N	Y	S	
76-10-107(1)(B)	OFFER OR SELL PSYCHOTOXIC CHEMICALS	MC	Y	\$440	\$0	N	35%	N	Y	C	
76-10-111(3)(A)	GIFT/DIST FOR FREE SMOKELESS TOBACCO/E-CIG	MC	N	\$340	\$0	N	35%	N	Y	C	
76-10-111(3)(B)	GIFT/DIST FOR FREE SMOKELESS TOBACCO/E-CIG SUBSQ OFF	MB	N	\$680	\$0	N	90%	N	Y	C	
76-10-1102(1)	GAMBLING OR ALLOWING GAMBLING	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-1109	THEFT BY CONFIDENCE GAME	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-112	FREE CIGARETTE DISTRIBUTION	MC	N	\$270	\$0	N	35%	N	N	C	Enhanceable Offense
76-10-112{2}	FREE CIGARETTE DISTRIBUTION 2ND OR SUBSEQUENT OFFENSE	MB	Y	\$680	\$0	N	90%	N	N	S	
76-10-1204.5(2)(B)	FAILURE OF COMPUTER TECH TO REPORT PORNOGRAPHIC IMAGE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1206(2)(D)	DEALING IN MATERIAL HARMFUL TO MINOR BY PERSON UNDER 16 YOA	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1223	DISTRIBUTION OF FILM FOR EXHIBITION WITHOUT BEING QUALIFIED	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1231(1)	DATA SRV CO FAIL TO PROVIDE FILTER MATERIAL HARMFUL TO MINOR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1235	ACCESS PORNOGRAPHIC OR INDECENT MATERIAL ON SCHOOL PROPERTY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1302	PROSTITUTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1302(1)	PROSTITUTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1302(1)(A)	ENGAGE/OFFER/AGREE IN SEXUAL ACTIVITY W/ANOTHER FOR FEE OR FUNCTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1302(1)(B)	ARRANGE AND MEET FOR PURPOSE OF SEXUAL ACTIVITY FOR FEE OR FUNCTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1302(1)(C)	LOITER/WITHIN VIEW OF PUBLIC PLACE PURPOSE OF HIRED FOR SEX	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1506	THREATENING BREACH OF PEACE ON A BUS	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-10-1507(1)	REFUSAL TO COMPLY W/ RQST OF BUS COMPY, DENY ADMISS TO TERM	MC	N	\$340	\$0	N	35%	N	Y	C	
76-10-1509	OBSTRUCTING OPERATION OF BUS	MC	N	\$280	\$0	Y	0%	N	N	C	
76-10-1801(1)(A)	COMMUNICATIONS FRAUD	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-10-1802	CALLER ID/TEXT MSG SVC TRANSMITS FALSE/INACCURATE MSG ID	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-10-1802(2)	CALLER ID/TEXT MSG SVC TRANSMITS FALSE/INACCURATE MSG ID	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-10-1802(5)(B)	CALLER ID/TEXT MSG SVC TRANSMITS FALSE/INACCURATE MSG ID 2ND	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-1906	MONEY LAUNDERING (FAILURE TO REPORT)	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-10-1906(1)(C)(I)	MONEY LAUNDERING	MC	N	\$340	\$0	N	35%	N	Y	C	
76-10-201	INTERFR W/CONTROL OF WATER COMMISSIONER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-202	TAKE WATER OUT OF TURN/EXCESS AMT/DAMAGE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-203	OBSTRUCTING WATER GATES, DIVERTING WATER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-2101	RECYCLING BIN MISUSE	IN	N	\$150	\$0	N	35%	N	N	C	
76-10-2201	UNLAWFUL BODY PIERCING/TATTOO OF MINOR	MB	Y	\$680	\$0	N	90%	N	N	S	
76-10-2201(2)	UNLAWFUL BODY PIERCING OF A MINOR	MB	Y	\$680	\$0	N	90%	N	N	S	
76-10-2201(3)	UNLAWFUL TATTOOING OF A MINOR	MB	N	\$680	\$0	N	90%	N	N	S	
76-10-2202	LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE	MC	N	\$340	\$0	N	35%	N	Y	C	
76-10-2203	POSSESSION, SALE OR USE OF AN ADULTERANT OR SYNTHETIC URINE	IN	Y	\$100	\$0	N	35%	N	Y	C	
76-10-2204	FAILURE TO REPORT DRUG DIVERSION	MB	Y	\$680	\$0	N	90%	N	Y	C	
76-10-2301	CONTRIBUTING TO THE DELINQUENCY OF MINOR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-2501(2)(A)	USE OF LASER POINTER AT MOVING VEH OR OC	IN	N	\$150	\$0	N	35%	N	Y	C	
76-10-2501(2)(B)	USE OF LASER POINTER AT LAW ENFORCE OFCR	MC	N	\$570	\$0	N	35%	N	Y	C	
76-10-2601	FAILURE TO FENCE SHAFTS, WELLS	MB	Y	\$680	\$0	N	90%	N	N	S	
76-10-2701	DESTRUCTIVE OR INJURIOUS LITTERING ON PUBLIC OR PRIVATE LAND	MC	N	\$340	\$0	N	35%	N	Y	C	
76-10-2701(1)	DESTRUCTIVE OR INJURIOUS LITTERING ON PUBLIC OR PRIVATE LAND	MC	N	\$340	\$0	N	35%	N	Y	C	
76-10-3001	FRAUDULENT PRACTICES TO AFFECT MARKET PRICE	MB	Y	\$660	\$0	N	90%	N	N	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-10-3005	UNFAIR DISCRIMINATION BY BUYER OF MILK, CREAM OR BUTTERFAT	MB	Y	\$660	\$0	N	90%	N	N	S	
76-10-302	MARKING OF EXPLOSIVES CONTAINERS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-303	UNSAFE DISTANCE OF POWDER HOUSE	MB	Y	\$680	\$0	N	90%	N	N	S	
76-10-504	CARRYING A CONCEALED FIREARM	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-504(1)	CARRYING A CONCEALED FIREARM	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-505(1)	LOADED FIREARM IN VEHICLE ON STREET OR IN PROHIBITED AREA	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-505(3)	LOADED RIFLE, SHOTGUN, OR MUZZLE-LOADING RIFLE IN VEHICLE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-505.5(3)(A)	POSSESS DANGEROUS WEAPON ON SCHOOL PREMISES	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-508	DISCHARGE OF FIREARMS	MB	Y	\$290	\$0	N	90%	Y	Y	S	Enhanceable Offense
76-10-508(1)(A)(I)	DISCHARGING OF FIREARMS FROM A VEHICLE	MB	Y	\$290	\$0	N	90%	Y	Y	S	Enhanceable Offense
76-10-508(1)(A)(II)	DISCHARGE FIREARM FROM, UPON, OR ACROSS ANY HIGHWAY	MB	Y	\$290	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-508(1)(A)(III)	DISCHARGE OF FIREARM FROM VEHICLE AT ANY ROAD SIGNS ON HWY	MB	Y	\$290	\$0	N	90%	Y	Y	S	Enhanceable Offense
76-10-508(1)(A)(IV)	DISCHARGE FIREARM FROM VEHICLE AT PUBLIC UTILITY/FACILITIES	MB	Y	\$290	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-508(1)(A)(V)	DISCHARGE OF FIREARM AT RR EQUIPMENT/FACILITY OR SIGNS	MB	Y	\$290	\$0	N	90%	Y	Y	S	Enhanceable Offense
76-10-508(1)(A)(VI)	DISCHARGE FIREARM W/OUT WRITTEN PERMISSION OF PROPERTY OWNER	MB	Y	\$290	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-508(1)(A)(VII)	DISCHARGE FIREARM W/O PERMISSION W/IN 600 FT OF DWELLING/BLD	MB	Y	\$290	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-508(2)	ILLEGAL DISCHARGE OF A FIREARM	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-509	POSSESSION OF DANGEROUS WEAPON BY MINOR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-509.4	POSSESSION OF CERTAIN WEAPONS BY MINORS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-509.4(1)	MINOR IN POSSESSION OF A HANDGUN	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-509.5	PROVIDING WEAPONS TO MINORS	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-509.7	ALLOWING A MINOR TO POSSESS A DEADLY WEAPON	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-10-528	CARRYING A DANGEROUS WEAPON WHILE UNDER THE INFLUENCE ALCOHOL/DRUGS	MB	Y	\$900	\$0	N	90%	N	Y	S	
76-10-529(2)(A)(II)	POSSESS DANGEROUS WEAPON, OR FIREARMS IN AIRPORT SECURE AREA	IN	N	\$150	\$0	N	35%	N	Y	C	
76-10-530	TRESPASS W/FIREARM IN HOUSE OF WORSHIP/PRIVATE RESIDENCE	IN	Y	\$150	\$0	N	35%	N	Y	C	
76-10-602	USE PERSONS NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-603	USE OF NAME WITHOUT CONSENT - CHARITY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-705	CONCURRENCE IN VOTE OR ACT BY DIRECTOR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-708	REFUSING INSPECTION OF CORPORATE BOOKS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-801	PUBLIC NUISANCE	MB	Y	\$290	\$0	N	90%	N	Y	S	
76-10-801(2)	ANY PERSON CREATING, AIDING OR CONTRIBUTING TO A NUISANCE	MB	Y	\$290	\$0	N	90%	N	Y	S	
76-10-802	BEFOULING WATERS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-804	MAINTAINING/COMMITTING A PUBLIC NUISANCE	MB	Y	\$290	\$0	N	90%	N	Y	S	
76-10-805	DISPOSAL OF CARCASS OR OFFAL AT UNLAWFUL DIST FROM CITY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-10-807	VIOLATION OF ORDER ENJOINING A PUBLIC NUISANCE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-3-203.10(2)	VIOLENT OFFENSE COMMITTED IN PRESENCE OF A CHILD	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-4-201	CRIMINAL CONSPIRACY	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-4-401(4)(D)	ENTICE A MINOR BY INTERNET OR TEXT (DEPENDING ON AGE)	MB	Y	\$680	\$0	N	90%	Y	Y	S	
76-4-401(4)(E)	ENTICE A MINOR BY INTERNET OR TEXT (DEPENDING ON AGE)	MC	Y	\$340	\$0	N	35%	N	Y	S	
76-5-102	ASSAULT	MB	Y	\$1,070	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-102(1)(A)	ASSAULT - ATTEMPT TO DO BODILY INJURY TO ANOTHER	MB	Y	\$1,070	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-102(1)(B)	ASSAULT-UNLAWFUL FORCE/VIOLENCE BODILY INJURY/RISK OF INJURY	MB	Y	\$1,070	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-102.9(2)	PROPELLING A BODILY SUBSTANCE	MB	Y	\$660	\$0	N	90%	N	Y	S	
76-5-106	HARASSMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-5-106.5(2)	STALKING	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-107	THREAT OF VIOLENCE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-107(1)(A)	THREAT OF VIOLENCE PLACE IN FEAR INJURY/DEATH/PROPERTY DAMAGE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-107(1)(B)	THREAT OF VIOLENCE ACCOMPANIED BY FORCE OR VIOLENCE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-107.1(2)(B)(II)	THREAT AGAINST SCHOOLS - PREVENT/INTERRUPT OCCUPANCY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-107.1(2)(C)	THREAT AGAINST SCHOOLS - CAUSE OFFICIAL/VOLUNTEER TO TAKE ACTION	MC	Y	\$340	\$0	N	35%	N	Y	S	
76-5-107.3(1)(B)(III)	THREAT OF TERRORISM CAUSING OFFICIAL OR VOLUNTEER ACTION	MB	Y	\$660	\$0	N	90%	N	Y	S	
76-5-107.5	HAZING	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-107.5(3)	HAZING	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-107.5(3)(A)	HAZING AGAINST ANOTHER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-109	CHILD ABUSE/NEGLECT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-109(3)	CHILD ABUSE PHYSICAL INJURY/PERMIT ANOTHER TO INFLICT INJURY	MB	Y	\$680	\$0	N	90%	N	N	S	
76-5-109(3)(A)(II)	CHILD ABUSE INJURY/RECKLESS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-109(3)(C)	INFLICT PHYS INJURY ON A CHILD W/ CRIM NEG	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-5-109.1	COMMISSION OF DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD	MB	Y	\$1,950	\$0	N	90%	N	Y	S	
76-5-109.1(2)(C)	DOM VIOL IN THE PRESENCE OF A CHILD	MB	Y	\$1,950	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-111(3)	ABUSE OF A VULNERABLE ADULT	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-5-111(3)(A)(II)	RECKLESS ABUSE OR NEGLECT OF VULNERABLE ADULT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-111(3)(A)(III)	ABUSE OR NEGLECT OF VULNERABLE ADULT BY CRIMINAL NEGLIGENCE	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-5-111(8)(B)	RECKLESS DIGNITY EXPLOITATION OF VUNLERABLE ADULT BY CARETAKER	MB	Y	\$680	\$0	N	90%	N	Y	C	
76-5-111(9)(B)(IV)	CRIMINALLY NEGLIGENT FINANCIAL EXPLOITATION OF A VULNERABLE ADULT	MB	Y	\$680	0	N	90%	N	Y	S	
76-5-111.1(4)	FAILURE TO REPORT ABUSE/DISABLED OR ELDERLY ADULT	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-5-111.1(5)	THREATEN, INTIMIDATE DISABLED/ELDER ADULT WITNESS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-303(2)	CUSTODIAL INTERFERENCE	MB	Y	\$680	\$0	N	90%	Y	Y	S	
76-5-304	UNLAWFUL DETENTION AND UNLAWFUL DETENTION OF A MINOR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-304(1)	UNLAWFUL DETENTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-304(2)	UNLAWFUL DETENTION OF A MINOR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-5-401	UNLAWFUL SEXUAL ACTIVITY WITH A MINOR	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-401(3)(B)	UNLAWFUL SEXUAL ACTIVITY WITH A MINOR DEF < 4 YEARS OLDER	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-506.2(4)(A)	KNOWINGLY INDENT TO DEFRAUD MAKE APPLICATION FALSE ID	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-1002	DAMAGE TO MAIL RECEPTACLE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-102(6)	ARSON - PROPERTY OF ANOTHER LESS THAN \$500	MB	Y	\$660	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-104	RECKLESS BURN	IN	Y	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-6-104(1)(C)	RECKLESS BURN-FAIL TO REMOVE FLAMMABLE MATERIAL AROUND FIRE	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-104(1)(D)	RECKLESS BURNING	IN	Y	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-6-104.5	ABANDONED FIRE	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-6-104.5(3)(A)	ABANDONED FIRE - NO DAMAGE	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-6-104.5(3)(B)	ABANDONED FIRE - PROPERTY DAMAGE < \$1000	MB	Y	\$680	\$0	N	90%	N	N	S	
76-6-106	CRIMINAL MISCHIEF	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-106(1)(C)	CRIMINAL MISCHIEF - TRANSPORTATION FOR PERSONS OR PROPERTY	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-106(2)(B)(I)(B)	CRIMINAL MISCHIEF - HUMAN HEALTH OR SAFETY	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-106(2)(C)	CRIMINAL MISCHIEF: INTENTIONAL DAMAGE,DEFACE,DESTROY PROPERTY	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-106(2)(D)	CRIMINAL MISCHIEF - RECKLESSLY SHOOT OR PROPEL MISSILE	MB	Y	\$650	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-107	GRAFFITI VIOLATIONS	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-6-107(2)(D)	GRAFFITI VIOLATIONS LESS THAN \$300	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-107.5	VANDALISM OF PUBLIC LANDS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-108	DAMAGE / INTERRUPT COMMUNICATION DEVICE	MB	Y	\$593	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-108(2)	DAMAGE/INTERRUPT/PROHIBIT USE OF A COMMUNICATION DEVICE	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-108(2)(A)	INTERRUPTION/INTERFERENCE OF A COMMUNICATIONS DEVICE	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-108(2)(B)	INTERRUPTION/INTERFERENCE OF A COMMUNICATION DEVICE	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-109	OFFENSE AGAINST TIMBER/MINING/AGRICULTUR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-111(3)(A)	WANTON DESTRUCTION OF LIVESTOCK <= \$500	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-112(4)	AGRICULTURAL OPERATION INTERFERENCE	MB	Y	\$680	\$0	N	90%	N	N	S	
76-6-1403	FAILURE TO KEEP RECORDS - JUNK DEALER	MB	N	\$660	\$0	N	90%	N	Y	S	
76-6-1407(1)(A)	VIOLATION OF SCRAP METAL DEALER REQUIREMENTS	MC	N	\$750	\$0	N	35%	N	N	C	
76-6-1408	FALSIFICATION OF METAL SELLERS STATEMENT TO DEALER	MB	Y	\$1,000	\$0	N	90%	N	Y	S	
76-6-1408(1)	METAL SELLER FALSE STATEMENT	MB	Y	\$1,000	\$0	N	90%	N	Y	S	
76-6-205	MANUFACTURE/POSSESS BURGLARY TOOLS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-206	CRIMINAL TRESPASS	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(A)	CRIMINAL TRESPASS ENTER OR REMAIN BY PERSON OR UNMANNED AIRCRAFT	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(A)(I)	CRIMINAL TRESPASS WITH INTENT TO ANNOY OR CAUSE INJURY	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(A)(II)	CRIMINAL TRESPASS W/INTENT TO COMMIT CRIME OTHER THAN THEFT/FELONY	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(A)(III)	CRIMINAL TRESPASS RECKLESS UNMANNED AIRCRAFT CAUSING FEAR/SAFETY	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(B)	CRIMINAL TRESPASS KNOWING ENTRY UNLAWFUL PERSON OR UNMANNED AIRCRAFT	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(C)	CRIMINAL TRESPASS - CONDO UNIT	IN	N	\$240	\$0	N	35%	N	Y	C	
76-6-206.1(2)(A)	CRIMINAL TRESPASS OF ABANDONED OR INACTIVE MINE	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-6-206.2	CRIMINAL TRESPASS ON STATE PARK LANDS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-206.3(2)	CRIMINAL TRESPASS ON AGRICULTURAL OR RANGE LAND	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-206.3(3)	CUTTING, DESTROYING, OR RENDERING INEFFECTIVE THE FENCING OF	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-206.4(2)	CRIMINAL TRESPASS BY LONG-TERM GUEST TO A RESIDENCE	MB	N	\$340	\$0	N	90%	N	Y	S	
76-6-404	THEFT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-404.5	WRONGFUL APPROPRIATION	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-6-404.5(3)(C)	WRONGFUL APPROPRIATION - MB	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-404.5(3)(D)	WRONGFUL APPROPRIATION - MC	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-6-404.7	THEFT OF MOTOR VEHICLE FUEL	MB	Y	\$680	\$0	N	90%	Y	Y	S	
76-6-405	THEFT BY DECEPTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-406	THEFT BY EXTORTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-407	THEFT OF MISLAID/LOST/MISTAKEN PROPERTY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-408	THEFT BY RECEIVING STOLEN PROPERTY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-408(1)	THEFT BY RECEIVING STOLEN PROPERTY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-409	THEFT OF SERVICES	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-409.3	THEFT OF UTILITY SERVICES	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-409.6	UNLAW USE OF TELECOMMUNICATION DEVICE	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-409.7	POSSESS UNLAWFUL TELECOMMUNICATION DEVICE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-409.7(1)	POSSESS UNLAWFUL TELECOMMUNICATION DEVICE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-410	THEFT BY RENTAL AGREEMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-410(1)	THEFT-PERSON HAVING CUSTODY OF PROPERTY-REPAIR/RENT AGREEMNT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-410(2)	THEFT PURSUANT TO A RENTAL AGREEMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-6-410.5	THEFT OF RENTAL VEHICLE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-412(1)(D)	THEFT - VALUE IS < \$500	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-503.2(3)	KNOWINGLY USE FALSE FINANCIAL TRANS CARD > 500	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-503.2(4)(A)	KNOWINGLY USE FALSE FINANCIAL TRANS CARD DEFRAUD	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-503.7(2)(A)	RECORDS FILED WITH INTENT TO HARASS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-504	TAMPER WITH RECORDS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-505(1)	ISSUING A BAD CHECK OR DRAFT	MB	Y	\$780	\$0	N	90%	N	Y	S	
76-6-505(2)	ISSUE A BAD CHECK AND FAIL TO MAKE GOOD ON PAYMENT	MB	Y	\$780	\$0	N	90%	N	Y	S	
76-6-506.2	UNLAWFUL USE OF A FINANCIAL TRANSACTION CARD	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.2(1)	KNOWINGLY USE FALSE FINANCIAL TRANS CARD FOR CREDIT/GOODS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.2(2)	KNOWINGLY USE FALSE FINANCIAL TRANS CARD FOR CREDIT/GOODS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.2(3)	KNOWINGLY WITH THE INTENT TO DEFRAUD EXCEEDS 500.00	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.2(4)(A)	KNOWINGLY INDENT TO DEFRAUD MAKE APPLICATION FALSE ID	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.2(5)	FINANCIAL TRANSACTION - WITH THE INTENT TO DEFRAUD	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.2(5)(A)	KNOWINGLY INTENT TO DEFRAUD- COUNTERFEIT OR FICTITIOUS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.2(5)(B)	KNOWINGLY INTENT TO DEFRAUD - SALES EVIDENCE BY CC	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.2(5)(C)	FINANCIAL TRANS - PURPORTED SALE NOT AUTHORIZED	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-506.6	UNAUTHORIZED FACTORING OF CREDIT CARD SALES DRAFTS	MB	Y	\$680	\$0	N	90%	N	N	S	
76-6-507	DECEPTIVE BUSINESS PRACTICE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-513(2)	UNLAWFUL DEALING WITH PROPERTY BY FIDUCIARY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-513(3)	UNLAWFUL DEALING OF PROPERTY BY FIDUCIARY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-515	USING/MAKING SLUGS	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-6-518	CRIMINAL SIMULATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-521	FALSE/FRAUDULENT INSURANCE CLAIM	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-521(1)(B)	FALSE OR FRAUDULENT INSURANCE CLAIM	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-521(1)(B)(I)(A)	FALSE OR FRAUDULENT INSURANCE CLAIM	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-521(1)(C)	ACCEPTING BENEFITS FROM FALSE OR FRAUDULENT INSURANCE CLAIM	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-521(1)(D)	FALSE OR FRAUDULENT SCHEME TO OBTAIN FEES OR SERVICES	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-521(1)(E)	FRAUDULENT INSURANCE ACT (RUNNER VIOLATION)	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-521(1)(F)	FRAUDULENT INSURANCE ACT WITH ANOTHER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-521(1)(G)	FRAUDULENT INSURANCE INFORMATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-524	FALSIFYING INFORMATION FOR PRECONSTRUCTION SERVICE LIEN	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-602	RETAIL THEFT (SHOPLIFTING)	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-602(2)	THEFT BY PRICE SWITCHING (SHOPLIFTING)	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-608	RETAIL THEFT DETECTION SHIELDING DEVICES > 500	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-608(1)(A)	RETAIL THEFT-DEVICE USED TO SHIELD FROM ALARM SENSOR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-608(2)(B)(I)	RETAIL THEFT DETECTION - REMOVE A THEFT DETECTION DEVICE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-703(1)	COMPUTER CRIMES INTERFERING WITH CRITICAL INFRASTRUCTURE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-703(1)(A)	COMPUTER CRIMES< \$500 ECONOMIC LOSS-DAMAGE OR BENEFIT OBTAINED	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-703(3)(A)	COMPUTER CRIMES - DISCLOSE/DISSEMINATE ANOTHERS IDENTITY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-703(3)(B)	COMPUTER CRIMES-DISCLOSE/DISSEMINATE AN ADULTS IDENTITY W/HARASSMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-801	LIBRARY THEFT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-803	MUTILATE/DAMAGE LIBRARY MATERIALS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-6-902	CULTURAL SITE PROTECTION	MB	N	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-6-902(1)	CULTURAL SITE ALTER, REMOVE, INJURE, OR DESTROY ANTIQUITIES	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-902(2)	CULTURAL SITE REPRODUCE, REWORK, OR FORGE ANY ANTIQUITIES	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6A-4(2)	PARTICIP IN PYRAMID SCHEME RECV COMP FOR INTROD PERSONS INTO	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-7-104	FORNICATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-106	RECEIVE BRIBE/BRIBERY- ENDORSEMENT OF PERSON AS PUBLIC SERV	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-110	PEACE OFFICER ACTING AS COLLECTION AGENT FOR CREDITOR	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-8-1101	TAX EVASION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-1101(1)(B)	OPERATE WITHOUT LICENSE OR PERMIT FROM STATE TAX COMMISSION	MB	Y	\$680	\$0	N	90%	N	N	S	
76-8-1203	PUBLIC ASSISTANCE FRAUD	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-1203(2)	PUBLIC ASSISTANCE FRAUD (APPLICATION)	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-1203(3)	PUBLIC ASSISTANCE DISCLOSURE REQUIRED	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-1205	PUBLIC ASSISTANCE FRAUD	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-1301	FRAUDULENTLY OBTAIN UNEMPLOYMENT COMPENSATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-1301(1)(A)	UNEMPLOYMENT COMPENSATION - FALSE STATEMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-1402	DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BLDG	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-201	OFFICIAL MISCONDUCT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-203	UNOFFICIAL MISCONDUCT/ PUBLIC OFFICE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-301	INTERFERE W/ PUBLIC SERVANT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-301(1)(A)	USES FORCE/VIOLENCE/INTIMIDATION TO INTERFERE W/PUBLIC SERVANT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-301(1)(B)	OBSTRUCT, HINDER, CONCEAL, PREVENT LAWFUL SERVICE BY AUTHORIZED PERSON	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-301(1)(C)	INTERFERE W/ PUBLIC SERVANT ON STATE PROPERTY	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-8-301.5	FAILURE TO DISCLOSE IDENTITY	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-8-302	PICKETING OR PARADING IN OR NEAR COURT	MB	N	\$680	\$0	N	90%	N	Y	S	
76-8-305	INTERFERENCE WITH ARRESTING OFFICER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-307	FAIL TO AID PEACE OFFICER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-311.3	ITEMS PROHIBITED IN CORRECTIONAL & MENTAL HEALTH FACILITIES	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-311.3(5)(F)	FACILITATES POSSESSION OF CONTRABAND BY OFFENDER IN CORR	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-312	BAIL-JUMPING	IN	Y	\$150	\$0	N	35%	N	Y	C	
76-8-313	THREATEN ELECTED OFFICIALS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-317	REFUSE TO COMPLY W/EVACUATE ORDER IN LOCAL/STATE EMERGENCY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-405	FAIL TO PAY OVER FINE OR FEE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-406	OBSTRUCTING COLLECTION OF REVENUE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-410	DOING BUSINESS WITHOUT A LICENSE	MB	N	\$290	\$0	N	90%	N	Y	S	
76-8-416	TAKING TOLL OR MAINTAINING RD/BRIDGE/FERRY W/OUT AUTHORIZATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-417	TAMPERING W/OFFICIAL NOTICE OR PUBLICATION	IN	Y	\$160	\$0	N	35%	N	N	C	
76-8-420	REMOVING OR DAMAGING ROAD SIGNS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-503	FALSE/INCONSISTENT STATEMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-503(1)(A)	FALSE STATEMENT UNDER OATH	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-503(1)(A)(I)	FALSE STMNT IN OFFICIAL PROCEEDING OR MISLEAD PUBLIC SERVANT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-503(1)(A)(II)	FALSE STMNT AUTHORIZED BY LAW TO BE SWORN/AFFIRMED BY NOTARY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-503(1)(B)	INCONSISTENT STMNT UNDER OATH OR AFFIRMATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-504	WRITTEN FALSE STATEMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-504(1)	WRITTEN FALSE STATEMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-504(2)	WRITTEN FALSE STATEMENT W/INTENT TO DECEIVE PUBLIC SERVANT	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-8-504.6	PROVIDING FALSE/MISLEADING INFORMATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-504.6(1)(A)	PROVIDE FALSE/MISLEADING INFO TO COURT OFFICER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-504.6(1)(B)	PROVIDE FALSE/MISLEADING INFO TO BCI	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-506	FALSE INFO LAW ENFORCEMENT/GOVT AGENCIES/SPECIFIED PROFESS	MB	Y	\$480	\$0	N	90%	N	Y	S	
76-8-507(1)	GIVING FALSE PERSONAL IDENTITY TO PEACE OFFICE	MC	N	\$170	\$0	N	35%	N	Y	C	
76-8-511	FALSIFY/ALTER GOVERNMENT RECORDS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-512	IMPERSONATION OF OFFICER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-513	FALSE JUDICIAL/OFFICIAL NOTICE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-601	WRONGFUL COMMENCEMENT OF ACTION IN JUSTICE COURT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-602	ASSUMING LIABILITY FOR CONFERRING JURISDICTION ON JUSTICE CT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-8-703	CRIMINAL TRESPASS UPON INSTITUTION OF HIGHER LEARNING	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-8-703(1)(B)	CRIMINAL TRESPASS-INSTITUTION OF HIGHER LEARNING-2ND SUBSEQUENT	MB	Y	\$660	\$0	N	90%	N	Y	S	
76-8-705	WILLFUL INTERFERENCE W/LAWFUL ACTIVITIES OF STUDENTS/FACULTY	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-8-904	PERMIT USE OF PROPERTY/ASSEMBLY ADVOCATE CRIMINAL SYNDICALISM	MB	Y	\$680	\$0	N	90%	N	N	S	
76-9-101	RIOT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-101(1)	RIOT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-101(2)	RIOT - REFUSES TO COMPLY WITH LAWFUL ORDER	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-102	DISORDERLY CONDUCT	IN	N	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)	DISORDERLY CONDUCT	IN	N	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(A)	DISORDERLY CONDUCT - REFUSE TO COMPLY WITH POLICE ORDER	IN	N	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(B)(I)	DISORDERLY CONDUCT FIGHTING/VIOLENT, TUMULTUOUS BEHAVIOR	IN	N	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(B)(II)	DISORDERLY CONDUCT - UNREASONABLE NOISES IN PUBLIC PLACE	IN	N	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-9-102(1)(B)(III)	DISORDERLY CONDUCT - NOISES IN PRIVATE HEARD IN PUBLIC	IN	N	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(B)(IV)	DISORDERLY CONDUCT - OBSTRUCTS VEHICLE OR PEDESTRIAN TRAFFIC	IN	N	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(3)	DISORDERLY CONDUCT - CONTINUES AFTER REQUEST TO STOP	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-102(4)	DISORDERLY CONDUCT AFTER REQUEST TO STOP	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-102(4)(A)	DISORDERLY CONDUCT	IN	N	\$150	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(4)(B)	DISORDERLY CONDUCT AFTER BEING ASKED TO CEASE	MC	N	\$340	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(4)(C)	DISORDERLY CONDUCT AFTER BEING ASKED TO CEASE AND	MB	Y	\$680	\$0	N	90%	N	Y	C	Enhanceable Offense
76-9-102{2}	DISORDERLY CONDUCT AFTER REQ TO STOP	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-103	DISRUPTING A MEETING/PROCESSION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-104	FAIL TO DISPERSE	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-9-105(1)	MAKING A FALSE ALARM - WARN OF FIRE, BOMB, OTHER CRIME	MB	Y	\$480	\$0	N	90%	N	Y	S	
76-9-106	DISRUPTING OPERATION OF A SCHOOL	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-107(2)	UNAUTHORIZED ENTRY ON SCHOOL BUS	MB	N	\$250	\$0	N	90%	N	Y	S	
76-9-108	DISRUPTING A FUNERAL OR MEMORIAL SERVICE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-201	ELECTRONIC COMMUNICATION HARASSMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-9-201(2)	ELECTRONIC COMMUNICATION HARASSMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-9-201(3)	ELECTRONIC COMMUNICATION HARASSMENT	MB	Y	\$680	\$0	N	90%	N	Y	S	Ehnhanceable Offense
76-9-202	EMERGENCY REPORTING ABUSE	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-9-202(2)	EMERGENCY REPORTING ABUSE	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-9-202(2)(A)	EMERGENCY REPORTING ABUSE - REFUSE TO YIELD PHONE FOR REPORT	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-9-202(2)(B)	EMERGENCY REPORTING ABUSE - PHONE RQST BASED ON EMERGENCY	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-9-202(2)(C)	REPORT OR CAUSE RPT OF EMERGENCY TO FIRE, POLICE, MED FALSELY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301	CRUELTY TO ANIMALS	MC	Y	\$340	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-9-301(2)	CRUELTY TO AN ANIMAL	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301(3)(A)	CRUELTY TO ANIMALS INTENTIONAL/KNOWINGLY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301(3)(B)	CRUELTY TO ANIMALS RECKLESSLY OR WITH CRIMINAL NEGLIGENCE	MC	N	\$340	\$0	N	35%	N	Y	C	
76-9-301(4)	AGGRAVATED CRUELTY TO AN ANIMAL	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-9-301(5)(B)	AGGRAVATED CRUELTY TO ANIMALS RECKLESSLY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301(5)(C)	AGGRAVATED CRUELTY TO ANIMAL CRIMINAL NEGLIGENCE	MC	N	\$340	\$0	N	35%	N	Y	C	
76-9-301.1	DOG FIGHTING-TRAINING DOGS FOR FIGHTING	MC	Y	\$340	\$0	N	35%	N	Y	C	
76-9-301.1(4)	ATTENDING DOG FIGHT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301.3	GAME FOWL FIGHTING	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301.3(2)	GAME FOWL FIGHTING	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301.3(2)(A)	INTENTIONALLY CAUSE A GAME FOWL TO FIGHT OR ATTACK	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301.3(2)(B)	PROMOTE ANY ACTIVITY THAT INVOLVES GAME FOWL FIGHTING	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301.5	ATTENDANCE @ ANIMAL FIGHTS PROHIBITED	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-301.8	BESTIALITY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-304	ALLOW VICIOUS ANIMAL TO GO AT LARGE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-307	INJURY TO SERVICE ANIMALS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-308(2)(A)	HARASSMENT OF LIVESTOCK BY MOTORIZED VEHICLE OR ATV	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-308(2)(B)	HARASSMENT OF LIVESTOCK BY DOG	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-308(2)(C)	HARASSMENT OF LIVESTOCK BY AN UNMANNED AIRCRAFT	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-402	PRIVACY VIOLATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-403	COMMUNICATIONS ABUSE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-404	CRIMINAL DEFAMATION	MB	Y	\$680	\$0	N	90%	N	Y	S	

Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
76-9-407(2)	CRIME OF ABUSE OF PERSONAL IDENTITY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-509	CONVEYING FALSE OR LIBELOUS MATERIAL TO MEDIA	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-601	ABUSE OF A FLAG	MB	N	\$410	\$0	N	90%	N	Y	S	
76-9-701	INTOXICATION	MC	Y	\$220	\$0	N	35%	N	Y	C	
76-9-701(1)	INTOXICATION	MC	Y	\$220	\$0	N	35%	N	Y	C	
76-9-702	LEWDNESS	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-702(1)	LEWDNESS - FIRST OR SECOND OFFENSE	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-702.3	PUBLIC URINATION	IN	Y	\$100	\$0	N	35%	N	Y	C	
76-9-702.7(4)	VOYEURISM	MB	Y	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-9-704(2)(A)	FAILURE TO REPORT THE FINDING OF A DEAD HUMAN BODY	MB	Y	\$680	\$0	N	90%	N	Y	S	
76-9-706	FALSE REPRESENTATION OF MILITARY AWARD	IN	N	\$340	\$0	N	35%	N	N	C	
76-9-706(2)	FALSE REPRESENTATION REGARDING AWARD OF MILITARY SERVICE	IN	N	\$340	\$0	N	35%	N	N	C	
76-9-706(3)	PURCHASE, POSSESS, SELL FALSE REPRESENTATION MILITARY AWARD	IN	N	\$340	\$0	N	35%	N	N	C	
76-9-706(4)	WEARING/USE MILITARY AWARD UNLAWFULLY	IN	N	\$340	\$0	N	35%	N	N	C	
76-9-706(5)	FALSE REPRESENTATION OF MILITARY NAME/TITLE/INSIGNIA/RITUAL	IN	N	\$340	\$0	N	35%	N	Y	C	
76-9-803(1)	RECRUITING A MINOR TO JOIN A CRIMINAL STREET GANG	MB	Y	\$1,070	\$0	N	90%	N	Y	S	
76-9-803(1)(A)	CRIM STREET GANGS SOLICIT/RECRUIT/INTIMIDATE MINOR TO JOIN	MB	Y	\$1,070	\$0	N	90%	N	Y	S	
76-9-803(1)(B)	CONSPIRE WITH INTENT TO ENTICE MINOR TO JOIN CRIMINAL GANG	MB	Y	\$1,070	\$0	N	90%	N	Y	S	
76-9-803(1)(C)	USING INTIMIDATION TO PREVENT MINOR LEAVING CRIMINAL GANG	MB	Y	\$1,070	\$0	N	90%	N	Y	S	
76-9-903	FAILURE TO DISPERSE	MB	Y	\$1,140	\$0	N	90%	N	N	S	
76-9-903(1)	FAILURE TO DISPERSE	MB	Y	\$1,140	\$0	N	90%	N	N	S	
76-9-904(2)(A)	SUBSEQUENT FAILURE TO DISPERSE	MB	Y	\$1,140	\$0	N	90%	N	N	S	



Violation Code	Description	Deflt Sev	Man App	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
77-23-105	FAIL TO STOP - ADMIN TRAFFIC CHECKPOINT	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-23A-4	WIRETAPPING OR INTERCEPTING ELECTRONIC COMMUNICATIONS	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-23A-4(1)	INTERCEPTING ELECTRONIC COMMUNICATIONS	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-32-202(6)(D)	FALSE STATEMENT IN AFFIDAVIT OF INDIGENCY	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-36-1.1(3)(A)	PENALTY ENHANCEMENT FOR A DOMESTIC VIOLENCE OFFENSE	MB	Y	\$680	\$0	N	90%	N	Y	S	Underlying offense establishes the bail
77-36-2.5(1)	PERSONAL CONTACT WITH ALLEGED VICTIM BEFORE JAIL RELEASE	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-36-2.5(1)(A)	CONTACTING DOMESTIC VIOLENCE VICTIM FROM CUSTODY	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-37-4(5)	DISTRIBUTION, RELEASE, OR DISPLAY OF CHILD VICTIM INTERVIEW	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-37-4(7)	DISTRIBUTE, RELEASE OR DISPLAY CHILD VICTIM INTERVIEW	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-41-112	INTENTIONALLY PROVIDE FALSE INFO ON APPLICATION CERTIFICATE	MB	Y	\$680	\$0	N	90%	N	Y	S	
77-7-24	FAIL TO SIGN A PROMISE TO APPEAR	MC	N	\$60	\$0	Y	0%	N	Y	C	
77-7-26	DISPOSING OF/CANCELING NOTICE TO APPEAR OR TRAFFIC CITATION	MB	Y	\$680	\$0	N	90%	N	Y	S	
78A-2-229	DIST/RELEASE DOCS PROVIDED TO PRO SE LITIGANT (AFTER DISPO)	MB	Y	\$680	\$0	N	90%	N	Y	S	
78A-2-411	COURT REPORTER OR TRANSCRIPT VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	
78A-6-1001	OFFENSES AGAINST A MINOR	MB	Y	\$680	\$0	N	90%	N	Y	S	
78A-6-105	INDIVIDUAL/ENTITY KNOWINGLY ENGAGING IN UNREGULATED CUSTODY TRANSFER	MB	Y	\$680	\$0	N	90%	N	Y	S	
78A-6-1101(3)(A)	VIOLATION OF COURT ORDER/JUV. COURT	MB	Y	\$680	\$0	N	90%	N	Y	S	
78A-6-111(2)	PARENT / GUARDIAN FAILURE TO APPEAR IN COURT W/ MINOR	MB	N	\$680	\$0	N	90%	Y	Y	C	
78A-6-111(2)(B)	EMPLOYER FAILURE TO ALLOW PARENT LEAVE FOR MINOR CT	MB	N	\$680	\$0	N	90%	Y	Y	C	
78A-7-108	JUSTICE COURT JUDGE TO COLLECT FEES BEFORE FILING ACTION	MB	Y	\$680	\$0	N	90%	N	Y	S	
78B-1-115(3)	MISREPRESENT MATERIAL FACTS REGARDING JURY DUTY	IN	Y	\$270	\$0	N	35%	N	N	C	
78B-1-126	JUROR OR WITNESS PURCHASE OF CERTIFICATE VIOLATION	MB	N	\$680	\$0	N	90%	Y	Y	C	

[illegible]

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
<a href="#">WR1050</a>	HARVEST BRINE SHRIMP W/O VALID COR 23-19-1	MB	N	\$1,950	\$0	N	90%	N	Y	C	
<a href="#">WR1100</a>	FISHING W/O VALID LICENSE 23-19-1	MB	N	\$160	\$60	N	90%	N	Y	C	\$60 suspended upon proof of valid license
<a href="#">WR1150</a>	HUNT/TRAP W/O LICENSE - INCLUDES LENDING 23-19-1	MB	N	\$210	\$60	N	90%	N	Y	C	\$60 suspended upon proof of valid license
<a href="#">WR1200</a>	HUNT/TRAP W/O LICENSE - INCLUDES LENDING 23-19-1	MB	N	\$210	\$60	N	90%	N	Y	C	\$60 suspended upon proof of valid license
<a href="#">WR1250</a>	NON-RES HUNT BIG GAME/BEAR/COUGAR W/O LICENSE 23-19-4	MB	N	\$1,560	\$0	N	90%	N	Y	C	
<a href="#">WR1300</a>	HUNT ON A CWMU W/O PERMIT 23-23-10	MB	N	\$170	\$0	N	90%	N	Y	C	
<a href="#">WR1350</a>	HUNT BIG GAME ON CWMU W/O PERMIT 23-23-10	MB	N	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR1400</a>	PURCHASE OF FURBEARER LICENSE W/O EDUCATION 23-19-11.5	MB	N	\$210	\$0	N	90%	N	Y	C	
<a href="#">WR1450</a>	WILLFUL UNLAWFUL SALE OF A LICENSE 23-19-15	MB	N	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR1500</a>	UNLAWFUL SALE OF A LICENSE W/O HUNTER SAFETY CERT 23-19-15	MB	N	\$210	\$0	N	90%	N	Y	C	
<a href="#">WR1550</a>	UNLAWFUL PURCHASE OF LICENSE WITH FTA 23-19-15	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR1600</a>	UNLAWFUL PURCHASE BY MISREPRESENTATION 23-19-5	MB	N	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR1700</a>	UNLAWFUL PURCHASE OF LICENSE WHILE ON REVOCATION 23-19-9	MB	Y	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR1750</a>	UNLAWFUL ALTERATION OF A LICENSE/PERMIT/TAG/COR 23-20-27	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR1800</a>	DEALING IN FURS W/O A VALID REGISTRATION 23-18-5	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR2000</a>	TAKING/POSSESSION OF PROTECTED WILDLIFE-FISH 23-20-3	MB	N	\$190	\$0	N	90%	N	Y	C	
<a href="#">WR2001</a>	TAKING/POSS OF PROT WILDLIFE OVERLIMIT-FISH 23-20-3	MB	Y	\$190	\$0	N	90%	N	Y	C	
<a href="#">WR2060</a>	POSSESSION OF CORN/BAIT WHILE FISHING 23-20-3	MB	N	\$150	\$0	N	90%	N	Y	C	
<a href="#">WR2100</a>	TAKING/POSSESSION OF PROTECTED WILDLIFE-FISH 23-20-3	MB	Y	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR2200</a>	TAKING/POSSESSION-PROTECTED WILDLIFE-SMALL GAME 23-20-3	MB	Y	\$190	\$0	N	90%	N	Y	C	
<a href="#">WR2201</a>	TAKING/POSSESSION OF PROTECTED WILDLIFE-OVERLIMIT 23-20-3	MB	Y	\$190	\$0	N	90%	N	Y	C	
<a href="#">WR2202</a>	TAKE/POSS PROT WILDLIFE-EFORE/AFT LGL HRS SM GAME 23-20-3	MB	Y	\$190	\$0	N	90%	N	Y	C	
<a href="#">WR2300</a>	TAKING/POSSESSION-PROTECTED WILDLIFE SMALL GAME 23-20-3	MB	Y	\$190	\$0	N	90%	N	Y	C	
<a href="#">WR2301</a>	TAKE/POSS PROT WILDLIFE -BEF/AFT LGL HRS MIGR BIRDS 23-20-3	MB	Y	\$190	\$0	N	90%	N	Y	C	
<a href="#">WR2302</a>	HUNTING MIGRATORY BIRDS W/O VALID STAMP 23-20-3	MB	N	\$140	\$0	N	90%	N	Y	C	
<a href="#">WR2370</a>	UNLAWFUL POSSESSION OF TOXIC SHOT 23-20-3	MB	N	\$140	\$0	N	90%	N	Y	C	
<a href="#">WR2400</a>	TAKING/POSSESSION OF PROTECTED WILDLIFE 23-20-3	MB	Y	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR2401</a>	TAKING/POSSESSION OF PROTECTED WILDLIFE-ANTLERS 23-20-3	MB	Y	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR2460</a>	POSSESSION OF FIREARM BY PURSUIT ONLY PERMIT HLDR 23-20-3	MB	Y	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR2461</a>	POSSESSION OF FIREARM BY ARCHER/MUZZLELOADER PERMIT HLDR 23-20-3	MB	N	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2462</a>	SHOOTING IN A RESTRICTED OR CLOSED AREA 23-20-3	MB	N	\$240	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
<a href="#">WR2463</a>	UNLAWFUL BAITING OR METHODS OF BAITING BEAR 23-20-3	MB	N	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2470</a>	UNLAWFUL METHODS OF TRAPPING 23-20-3	MB	N	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2500</a>	TAKING/POSSESSION PROTECTED WILDLIFE-BRINE SHRIMP 23-20-3	MB	Y	\$1,950	\$0	N	90%	N	Y	C	
<a href="#">WR2521</a>	FAILURE TO HAVE COR AT HARVEST LOCATION 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2522</a>	FAILURE TO HAVE HELPER CARD ON PERSON 23-20-3	MB	N	\$800	\$0	N	90%	N	N	C	
<a href="#">WR2523</a>	NO SEINER/ALTERNATIVE SEINER AT HARVEST LOCATION 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2524</a>	FAILURE TO PROVIDE ACCURATE HARVEST RECORDS 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2525</a>	FAILURE TO SUBMIT ANNUAL REPORT 23-20-3	MB	N	\$800	\$0	N	90%	N	N	C	
<a href="#">WR2561</a>	INTERFERE W/HARVESTING-DISTURBING STREAK OF EGGS 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2562</a>	INTERFERE/REMOVING EGGS W/O PERMISSION 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2563</a>	INTERFERENCE - INCROACHMENT WITHIN 300 YDS 23-20-3	MB	N	\$300	\$0	N	90%	N	Y	C	
<a href="#">WR2564</a>	LEAVING A BOOM UNATTENDED 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2565</a>	FAILURE TO DISPLAY COR MARKER AT HARVEST LOCATION 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2566</a>	FAILURE TO HAVE ID NUMBERS/LETTERS ON EQUIPMENT 23-20-3	MB	N	\$800	\$0	N	90%	N	N	C	
<a href="#">WR2567</a>	23-20-3 FAILURE TO HAVE CORRECT SIZE LETTERS/NUMBERS ON EQUIPMENT	MB	N	\$800	\$0	N	90%	N	N	C	
<a href="#">WR2568</a>	FAILURE TO PROPERLY TAG BRINE SHRIMP CONTAINERS 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2570</a>	UNLAWFUL RETURN-BRINE SHRIMP EGGS TO GREAT SALT LAKE 23-20-3	MB	N	\$800	\$0	N	90%	N	Y	C	
<a href="#">WR2600</a>	UNLAWFUL TAKING OF PROTECTED WILDLIFE WHILE TRESPASSING 23-20-3.5	MB	Y	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR2640</a>	ALLOW A DOG TO TAKE PROTECTED WILDLIFE 23-20-3	MB	Y	\$680	\$0	N	90%	N	N	C	
<a href="#">WR2650</a>	UNLAWFUL CAPTURE/POSSESS/USE OF BIRDS IN FALCONRY 23-20-3	MB	Y	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR2660</a>	UNLAWFUL TAKING OF PROTECTED WILDLIFE FROM VEHICLE 23-20-3	MB	Y	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2661</a>	UNLAWFUL TAKING WHILE SPOTLIGHTING 23-20-3	MB	Y	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2662</a>	UNLAWFUL USE OF CONCEALMENT TO TAKE PROTECTED WILDLIFE 23-20-3	MB	Y	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2663</a>	UNLAWFUL USE OF ATTRACTANT TO TAKE PROTECTED WILDLIFE 23-20-3	MB	Y	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2664</a>	UNLAWFUL USE DECOYS/CALLS TO TAKE PROTECTED WILDLIFE 23-20-3	MB	Y	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2710</a>	FAILURE TO HAVE WILDLIFE CHECK/SEALED IN SPECIFIC TIME 23-20-3	MB	N	\$240	\$0	N	90%	N	Y	C	
<a href="#">WR2720</a>	UNLAWFULLY OPERATING OR USE OF A CWMU 23-20-3	MB	Y	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR2725</a>	UNLAWFULLY OPERATING OR USE OF COMMERCIAL HUNTING 23-20-3	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR2730</a>	UNLAWFULLY HOLDING CONTEST W/PROTECTED WILDLIFE 23-20-3	MB	Y	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR2740</a>	UNLAWFULLY HOLD IN CAPTIVITY PROTECTED WILDLIFE 23-20-3	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR3000</a>	WANTON DESTRUCTION OF PROTECTED WILDLIFE 23-20-4	MB	Y	\$680	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
<a href="#">WR3003</a>	WANTON DESTRUCTION OF PROTECTED WILDLIFE 23-20-4	MB	Y	\$1,950	\$0	N	90%	N	Y	C	
<a href="#">WR3006</a>	WANTON DESTRUCTION OF PROTECTED WILDLIFE-FISH/MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C	
<a href="#">WR3009</a>	WANTON DESTRUCTION OF PROTECTED WILDLIFE-FISH/MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C	
<a href="#">WR3012</a>	WANTON DESTRUCTION OF PROTECTED WILDLIFE-SMALL GAME/MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C	
<a href="#">WR3015</a>	WANTON DESTRUCTION OF PROTECTED WILDLIFE-SMALL GAME-MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C	
<a href="#">WR3109</a>	WANTON DESTR PROT WILDLIFE - OVERLIMIT/OUT OF SEASON-MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C	
<a href="#">WR3115</a>	WANTON DESTR PROTECTED WILDLIFE BEF/AFT LGL HRS-MB 23-20-4	MB	N	\$400	\$0	N	90%	N	Y	C	
<a href="#">WR3209</a>	WANTON DESTR PROTECTED WILDLIFE BEF/AFT LGL HRS-MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C	
<a href="#">WR3215</a>	WANTON DESTR PROTECTED WILDLIFE - OVERLIMIT-MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C	
<a href="#">WR4103</a>	UNLAWFUL IMPORT/EXPORT OF PROTECTED WILDLIFE 23-13-5	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR4104</a>	ALLOW PROT WILDLIFE TO WASTE/SPOIL AII BUT BIG GAME 23-20-8	MB	N	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR4105</a>	ALLOW PROT WILDLIFE TO WASTE/SPOIL - BIG GAME 23-20-8	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR4106</a>	UNLAWFUL DONATION OF PROTECTED WILDLIFE 23-20-9	MB	N	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR4107</a>	ADMINISTER/ATTEMPT TO ADMIN SUBSTANCE TO PROTECTED WILDLIFE 23-13-19	MB	Y	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR4200</a>	UNLAWFUL COMMERCIALIZATION OF WILDLIFE 23-13-13	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR4201</a>	UNLAWFUL RECPT OF PROT WL BY BUTCHER/LOCKER/STORAGE PLANT 23-20-10	MB	N	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR4300</a>	UNLAWFUL DIVERSION/DRAIN OF PUBLIC WATER-PERSON 23-15-3	MB	Y	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR4301</a>	UNLAWFUL DIVERSION/DRAIN OF PUBL WATER-MUNIC/CORP 23-15-3	MB	Y	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR4302</a>	POLLUTION OF PUBLIC WATERS - INDIVIDUAL 23-15-6	MB	Y	\$290	\$0	N	90%	N	N	C	
<a href="#">WR4303</a>	POLLUTION OF PUBLIC WATERS - MUNICIPAL/CORPORATE 23-15-6	MB	Y	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR 4304</a>	FAILURE TO REPORT EXISTENCE OF AQUATIC INVASIVE SPECIES	MA	Y	\$1,950	\$0	N	90%	N	Y	C	
<a href="#">WR4305</a>	INVASIVE SPECIES PROHIBITED (POSSESSION) 23-27-201	IN	N	\$160	\$0	N	35%	N	Y	C	
<a href="#">WR4306</a>	INVASIVE SPECIES PROHIBITED (RELEASE) 23-27-201	IN	N	\$160	\$0	N	35%	N	Y	C	
<a href="#">WR4307</a>	INVASIVE SPECIES TRANSP/CONVEY W/O DECONTAMINATION 23-27-201	IN	N	\$160	\$0	N	35%	N	Y	C	
<a href="#">WR 4308</a>	POSSESSION OF AQUATIC INVASIVE SPECIES	MA	Y	\$1,950	\$0	N	35%	N	Y	C	
<a href="#">WR 4309</a>	RELEASE OF AQUATIC INVASIVE SPECIES	MA	Y	\$1,950	\$0	N	35%	N	Y	C	
<a href="#">WR 4310</a>	TRANSPORT CONVEYANCE W/O DECONTAMINATION (AIS)	MA	Y	\$1,950	\$0	N	35%	N	Y	C	
<a href="#">WR4311</a>	PASS/TRAVEL TO STATION/CHECKPNT W/OUT PRESENTING CONVEYANCE 23-27-201(4)	MB	Y	\$680	\$0	N	90%	N	Y	C	May reduce to \$160 for the first offense
<a href="#">WR4400</a>	SEINING OF PROTECTED AQUATIC WILDLIFE 23-15-8	MB	N	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR4401</a>	POSSESS/TRANSPORT LIVE PROTECTED AQUATIC WILDLIFE 23-15-9	MB	Y	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR4501</a>	FAILURE TO PRODUCE LICENSE/DEVICE/WILDLIFE UPON DEMAND 23-20-25	MB	N	\$210	\$0	N	90%	N	Y	C	

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
<a href="#">WR4502</a>	INTERFERE W/CONSERVATION OFFICER/DEPUTY 23-20-18	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR4503</a>	INTERFERE W/LEGAL HUNTERS/HUNTING ACTIVITY 23-20-29	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR4504</a>	FAIL TO STOP AT DWR ROADBLOCK OR CHECKING STATION 23-20-19	MB	Y	\$360	\$0	N	90%	N	Y	C	
<a href="#">WR4600</a>	JUVENILE HUNTING W/O PROPER ADULT SUPERVISION 23-20-20	MB	N	\$170	\$0	N	90%	N	Y	C	
<a href="#">WR4601</a>	FAILURE TO WEAR HUNTER ORANGE 23-20-31	MB	N	\$170	\$0	N	90%	N	N	C	
<a href="#">WR4700</a>	IMPROPER TAG-BIG GAME/BEAR/COUGAR/FURBEARER 23-20-30	MB	N	\$290	\$0	N	90%	N	Y	C	
<a href="#">WR4701</a>	IMPROPER TAG - MIGRATORY BIRDS, SMALL GAME 23-20-30	MB	N	\$170	\$0	N	90%	N	Y	C	
<a href="#">WR4702</a>	FAILURE TO TAG-BIG GAME/BEAR/COUGAR 23-20-30	MB	N	\$680	\$0	N	90%	N	Y	C	
<a href="#">WR4703</a>	FAILURE TO TAG - MIGRATORY BIRDS, SMALL GAME 23-20-30	MB	N	\$180	\$0	N	90%	N	Y	C	
<a href="#">WR4800</a>	DESTROYING DWR SIGNS/PROPERTY	MB	N	\$480	\$0	N	90%	N	Y	C	
<a href="#">WR4801</a>	TRESPASSING DURING WILDLIFE RELATED ACTIVITY 23-20-14	MB	N	\$360	\$0	N	90%	N	Y	C	
<a href="#">WR4802</a>	UNLAWFUL POSTING OF PUBLIC LANDS 23-20-14	MB	N	\$680	\$0	N	90%	N	N	C	
<a href="#">WR4803</a>	DESTRUCTION OF PRIVATE PROPERTY 23-20-15	MB	N	\$480	\$0	N	90%	N	Y	C	
<a href="#">WR4820</a>	UNLAWFUL USE, ACTIVITY OF/ON DWR LANDS 23-21-7	MB	N	\$210	\$0	N	90%	N	Y	C	
<a href="#">WR4821</a>	UNLAWFUL USE/ACTIVITY OF/ON DWR LANDS (GRAZING) 23-21-7	MB	N	\$210	\$0	N	90%	N	Y	C	
<a href="#">WR4822</a>	UNLAWFUL USE ON DWR LANDS (CAMPING MORE THAN 14 DAYS) 23-21-7	MB	N	\$210	\$0	N	90%	N	Y	C	
<a href="#">WR4823</a>	UNLAWFUL USE/ACTIVITY OF/ON DWR LANDS (TRESPASS) 23-21-7	MB	N	\$210	\$0	N	90%	N	Y	C	
<a href="#">WR4824</a>	UNLAWFUL USE/ACTIVITY OF/ON DWR LANDS (FOR COMMERCIAL GAIN) 23-21-7	MB	Y	\$210	\$0	N	90%	N	Y	C	
<a href="#">WR4850</a>	FAILURE TO POST CO-OP WILDLIFE MANAGEMENT UNIT BOUNDARIES 23-23-7	MB	N	\$150	\$0	N	90%	N	Y	C	
<a href="#">WR4851</a>	FAILURE TO PROVIDE HUNTERS WITH GUIDELINES 23-23-7	MB	N	\$150	\$0	N	90%	N	Y	C	
<a href="#">WR5000</a>	AQUATIC INVASIVE SPECIES RULE VIOLATIONS R657-60	IN	N	\$160	\$0	N	35%	N	Y	C	
<a href="#">WR5001</a>	FAILURE TO CERTIFY DECONTAMINATION R657-60-6	IN	N	\$160	\$0	N	35%	N	Y	C	
<a href="#">WR5002</a>	FAILURE TO DISPLAY CERTIFICATION R657-60-6	IN	N	\$160	\$0	N	35%	N	N	C	
<a href="#">WR5100</a>	BRINE SHRIMP RULE VIOLATION R657 -52	IN	N	\$730	\$0	N	35%	N	Y	C	
<a href="#">WR5104</a>	INTERFERENCE - ENCROACHMENT WITHIN 300 YDS R657-52-17	IN	N	\$750	\$0	N	35%	N	Y	C	
<a href="#">WR5200</a>	BIG GAME RULE VIOLATION R657 5	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5201</a>	UNLAWFUL METHODS OF SPOTLIGHTING W/WEAPON IN POSSESSION R657-5-13	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5202</a>	NO REQUIRED EVIDENCE OF SEX/SPECIES/AGE ATTACHED TO CARCASS R657-5-17	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5203</a>	FAIL TO HAVE WILDLIFE CHECK/SEALED IN SPECIFIED AMT OF TIME R657-5	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5204</a>	AERIAL LOCATE WILDLIFE W/IN 48 HRS OF BIG GAME HUNT R657-5-14	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5207</a>	UNLAWFUL PURCHASE OF A LICENSE-WAITING PERIOD VIOLATION R657-5-3	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5208</a>	UNLAWFUL PURCHASE OF MORE THAN ONE PERMIT R657-5-3	IN	N	\$190	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
<a href="#">WR5209</a>	POSSESS UNQUIVERED ARROWS IN A VEHICLE R657-5-11	IN	N	\$110	\$0	N	35%	N	Y	C	
<a href="#">WR5210</a>	HUNTING BIG GAME WITH A USED OR DETACHED TAG R657-5-17	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5211</a>	SHOOTING IN A RESTRICTED OR CLOSED AREA R657-5-17	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5300</a>	BEAR RULE VIOLATION R657-33	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5304</a>	UNLAWFUL PURCHASE OF A LICENSE-WAITING PERIOD VIOLATION R657-33-3	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5307</a>	UNLAWFUL METHODS OF SPOTLIGHTING W/WEAPON IN POSSESSION R657-33-10	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5350</a>	COUGAR RULE VIOLATION R657-10	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5352</a>	FAIL TO LEAVE EVIDENCE OF SEX/SPECIES ATTACHED TO CARCASS R657-10-14	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5354</a>	UNLAWFUL PURCHASE OF LICENSE/TAG-WAITING PERIOD VIOLATION R657-10-13	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5355</a>	UNLAWFUL METHODS OF SPOTLIGHTING W/WEAPON IN POSSESSION R657-10-10	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5400</a>	FISH/CRAYFISH RULE VIOLATION R657-13	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5401</a>	UNLAWFUL POSSESSION OF CORN/BAIT WHILE FISHING R657-13-12	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5402</a>	FAIL TO LEAVE EVID OF SEX/SPECIES ATTACHED TO CARCASS -FISH R657-13-18	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5500</a>	FURBEARER RULE VIOLATION R657-11	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5503</a>	DESTROYING, REMOVING, OR POSSESSING ANOTHERS TRAPS R657-11-10	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5504</a>	UNLAWFUL METHODS OF SPOTLIGHTING W/WEAPON IN POSSESSION R657-11-14	IN	N	\$190	\$0	N	35%	N	Y	C	
<a href="#">WR5600</a>	TURKEY RULE VIOLATION R657-54	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5601</a>	FAILURE TO LEAVE EVIDENCE OF SEX/SPECIES ATTACHED TO CARCASS R657-54-12	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5602</a>	UNLAWFUL METHODS OF SPOTLIGHTING WITH WEAPON IN POSSESSION R657-54-16	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5603</a>	HUNTING TURKEY WITH A USED OR DETACHED TAG R657-54-11	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5650</a>	UPLAND RULE VIOLATION R657-6	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5651</a>	FAILURE TO LEAVE EVIDENCE OF SEX/SPECIES ATTACHED TO CARCASS R657-6-17	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5652</a>	HUNTING MIGRATORY BIRDS W/O HIP REGISTRATION R657-6-3	IN	N	\$100	\$0	N	35%	N	Y	C	Dismissed upon proof of prior registration
<a href="#">WR5653</a>	UNLAWFUL METHODS OF SPOTLIGHTING WITH WEAPON IN POSSESSION R657-6-24	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5675</a>	GAME BIRDS AND DOG TRAINING RULE VIOLATION R657-46	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5700</a>	WATERFOWL RULE VIOLATION R657-9	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5701</a>	FAILURE TO LEAVE EVIDENCE OF SEX/SPECIES ATTACHED TO CARCASS R657-9-24	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5702</a>	HUNTING MIGRATORY BIRDS W/O HIP REGISTRATION R657-9-33	IN	N	\$100	\$0	N	35%	N	Y	C	Dismissed upon proof of prior registration
<a href="#">WR5703</a>	FAIL TO RETRIEVE MIGRATORY WATERFOWL R657-9-19	IN	N	\$110	\$0	N	35%	N	Y	C	
<a href="#">WR5704</a>	UNLAWFUL DISCHARGE OF FIREARM ON WATERFOWL MGMT AREA R657-9-9	IN	N	\$110	\$0	N	35%	N	Y	C	
<a href="#">WR5705</a>	HUNTING MIGRATORY BIRDS WITH AN UNSIGNED STAMP R657-9-3	IN	N	\$110	\$0	N	35%	N	Y	C	

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
<a href="#">WR5708</a>	HUNTING WATERFOWL WITH A USED OR DETACHED TAG R657-9-5	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5709</a>	SHOOTING IN A RESTRICTED OR CLOSED AREA R657-9-30	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5800</a>	FALCONRY RULE VIOLATIONS R657-20	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5900</a>	ZOOLOGICAL ANIMAL COLLECTION/IMPOR/POSSESS RULE VIOLATION R657-3	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5901</a>	AMPHIBIAN/REPTILE COLLECTION/POSSESSION RULE VIOLATION R657-53	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5940</a>	WALK-IN-ACCESS RULE VIOLATIONS R657-56	IN	N	\$140	\$0	N	35%	N	Y	C	
<a href="#">WR5950</a>	UNLAWFUL USE/ACTIVITY OF/ON DIVISION OF WILDLIFE LANDS R657-28	IN	N	\$140	\$0	N	35%	N	Y	C	



[Utah Code 63G-3-701 Utah Administrative Code as official compilation of rules -- Judicial notice.](#)

The code shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the administrative law of the state of Utah and as an authorized compilation of the administrative law of Utah. All courts shall take judicial notice of the code and its provisions.

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment	Notes
<a href="#">R651-203-4</a>	APPROACHED WITHIN 150 FT OF A DIVERS FLAG	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-203-5</a>	FAILURE TO OBEY WATERWAY MARKERS	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-204-1</a>	PLACED A WATERWAY MARKER WITHOUT WRITTEN AUTHORIZATION	MC	Y	\$480	\$0	N	35%	N	N	C		
<a href="#">R651-204-2</a>	PLACE PERMANENT OR ANCHORED OBJECT W/O WRITTEN AUTHORIZATION	MC	Y	\$480	\$0	N	35%	N	N	C		
<a href="#">R651-204-3</a>	REMOVED DESTROYED OR DAMAGED AN AUTHORIZED WATERWAY MARKER	MC	Y	\$480	\$0	N	35%	N	Y	C		
<a href="#">R651-205-1</a>	FAILURE TO OBEY ZONED WATERS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-2</a>	DEER CREEK NO ACTIVITY AT 1500 FT OF DAM/NO SKIING WALLSBERG	MC	Y	\$280	\$0	N	35%	N	Y	C		
<a href="#">R651-205-3</a>	GREEN RIVER MOTORS PROHIBITED FROM FLAMING GORGE TO RED CRK	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-4</a>	STANSBURY PK LAKE VESSELS OVER 20 FT LONG/MOTORS PROHIBITED	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-5</a>	LOWER PROVO RIVER UT LAKE TO PIPELINE WAKELESS/MOTORS PROHIB	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-6</a>	DECKER LAKE THE USE OF MOTORS IS PROHIBITED	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-7</a>	PALISADE LAKE MOTORS EXCEPT ELECTRIC TROLLING PROHIBITED	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-8</a>	IVINS RESERVOIR MOTORS AT OR ABOVE 10 HP PROHIBITED	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-9</a>	JORDAN RIVER MOTOR EXCEEDING 10 HP RESTRICTED EXCEPT UT CNTY	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-10</a>	KENS LAKE MOTOR USE PROHIBITED ELECTRIC TROLLING ONLY	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-11</a>	PINEVIEW RESERVOIR ELECTRIC MOTORS ONLY IN DESIGNATED AREAS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-12</a>	JORDANELLE RESERVOIR NO MOTOR/SAILBOATS AT HAILSTONE BEACH	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-13</a>	LITTLE DELL RESERVOIR USE OF MOTORS IS PROHIBITED	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-14</a>	BEAR LAKE VESSELS PROHIBITED 7/1 - LABOR DAY MARKED W/BUOYS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-15</a>	LOST CREEK RESERVOIR VESSELS NOT TO EXCEED WAKELESS SPEED	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-16</a>	HUNTINGTON RESERVOIR MOTORS EXCEEDING 10 HP PROHIBITED	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-17</a>	CUTLER RESERVOIR NO MOTOR OVER 35 HP / WAKELESS LOCATIONS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-205-18</a>	NEWTON RESERVOIR WAKELESS VIOLATION	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-1(2)</a>	NO PASSENGER PERMIT - PARKS AND REC	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-1(9)</a>	CARRY PASSENGERS IN UNFAMILIAR VESSEL	MC	N	\$180	\$0	N	35%	N	N	C		
<a href="#">R651-206-1(10)</a>	CARRY PASSENGERS IN UNFAMILIAR VESSEL	MC	N	\$180	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(1)</a>	FAILURE OF OUTFITTING COMPANY TO REGISTER	MC	Y	\$280	\$0	N	35%	N	Y	C		
<a href="#">R651-206-2(2)</a>	CARRY PASSENGERS WITHOUT GUIDE PERMIT - PARKS AND REC	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(6)</a>	OUTFITTING CO FAIL TO MAINTAIN TRIP LOG FOR EACH LEADER/GUIDE	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(7)</a>	OUTFITTING CO FAILS TO MAINTAIN TRIP MANIFEST FOR EACH TRIP	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(8)</a>	OUTFITTING CO FAIL TO MAINTAIN DAILY TRIP LOG ON EACH VESSEL	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(9)</a>	OUTFITTING CO FAIL TO ENSURE VESSEL OPERATOR CHECKS VESSEL	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(10)</a>	OUTFITTING CO FAILS TO PROVIDE SAFETY EQUIPMENT	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(11)</a>	OUTFITTING CO FAILS TO PROVIDE SAFETY EQUIPMENT	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(12)</a>	VESSEL OWNER W/PASSENGERS FAILS TO CARRY LIABILITY INSURANCE	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(12)(A)</a>	OUTFITTING CO FAILS TO ENSURE VESSEL MEETS MAINT/INSPECTION	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(12)(B)</a>	OUTFITTING CO FAILS TO MAINTAIN FILE OF INSPECTION ON VESSEL	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(13)</a>	CARRY PASSENGERS ON UNFAMILIAR RIVER	MC	N	\$280	\$0	N	35%	N	N	C		

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment	Notes
<a href="#">R651-206-2(15)</a>	RIVER GUIDE LOG NOT ON FILE/CURRENT PARKS AND REC	MC	N	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-2(16)</a>	RIVER GUIDE LACKS REQUIRED EXPERIENCE	MC	N	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(1)</a>	CARRY PASSENGERS FOR HIRE ON STATE WATERS W/O VALID LICENSE	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(2)(A)</a>	FAILED TO HAVE CURRENT FIRSTAID/CPR CERT W/PASSENGERS 4HIRE	MC	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-206-3(3)</a>	TRIP LEADER ON TRIP WITHOUT TRIP MANIFEST	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(4)</a>	TRIP LEADER LACKS REQUIRED EXPERIENCE ON LAKE AND RESERVOIR	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(5)</a>	TRIP LEADER LACKS REQUIRED EXPERIENCE ON WHITEWATER RIVER	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(6)</a>	TRIP LEADER LACKS REQUIRED EXPERIENCE ON FLAT WATER RIVER	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(7)</a>	GUIDE LACKS REQUIRED EXPERIENCE ON LAKE AND RESERVOIR	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(8)</a>	GUIDE LACKS REQUIRED EXPERIENCE ON WHITEWATER RIVER	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(9)</a>	GUIDE LACKS REQUIRED EXPERIENCE ON FLAT WATER RIVER	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(10)</a>	OUTFITTING CO FAILS TO MAINTAIN TRIP LOG FOR LEADER OR GUIDE	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(11)</a>	CARRYING PASSENGERS ON UNFAMILIAR VESSEL OR WATERWAY	MC	Y	\$180	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(11)(A)</a>	CARRY MORE THAN 49 PASSENGERS W/O PERMIT OR LICENSE HOLDERS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(11)(B)</a>	MORE THAN 24 PASSENGERS/OPERATING 1 MI FROM SHORE W/O PERMIT	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(11)(C)</a>	FAIL TO HAVE 1 LICENSE/PERMIT HOLDER ON EACH DECK OF VESSEL	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(12)(A)</a>	1 LICENSE/PERMIT HOLDER FOR EACH 4 LOW CAP VESSELS ON RIVER	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(12)(B)</a>	1 LICENSE/PRMT HOLDER FOR EACH 6 LOW CAP VESSEL LAKE/RESERVR	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-3(13)</a>	LICENSE/PERMIT HOLDER OP VESSEL W/PASSENGERS 4HIRE > 12 HRS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-4(1)</a>	CARRYING PASSENGERS WITH INSUFFICIENT AMOUNT OF PFDS	MC	N	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-4(3)</a>	WEARABLE PFDS LABELED FOR COMMERCIAL USE	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-4(5)</a>	PFDS NOT LABELED WITH OUTFITTING COMPANY NAME	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-206-4(6)</a>	INSUFFICIENT THROWABLE PFDS ON BOARD	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-4(7)</a>	WEAR PFD ON VESSEL IN HAZARDOUS CONDITIONS	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-4(10)</a>	PASSENGERS/CREW TO WEAR PFD ON VESSEL IN HAZARD CONDITIONS	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-4(11)</a>	LICENSE/PERMIT HOLDER RESPONSIBLE FOR PASSENGERS TO WEAR PFD	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-206-5(1)</a>	MOTORBOAT W/PASSENGERS 4 HIRE REQ MIN 1/TYPER B-1 FIRE EXTINGUISHER	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-5(2)</a>	MOTORBOAT W/ >6 PASS4HIRE W/OUT USCG FIRE EXTINGUISHER SYSTEM	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-5(4)</a>	VESSEL W/PASS 4 HIRE W/OUT REQUIRED SMOKE DETECTOR	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(1)</a>	VESSEL W/ PASS 4 HIRE W/OUT REQUIRED COMMUNICATIONS EQUIPMENT	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(2)</a>	VESSEL W/ PASS 4 HIRE W/OUT REQUIRED CARBON MONOXIDE DETECTOR	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(3)(A)</a>	VESSEL W/ >6 PASS 4 HIRE W/OUT REQUIRED RAFTS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(3)(B)</a>	VESSEL W/ >6 PASS 4 HIRE 1 MI FROM SHORE WITHOUT VISUAL DISTRESS SIGNALS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(5)</a>	VESSEL W/ PASS 4 HIRE WITHOUT REQUIRED NAVIGATION EQUIPMENT	MC	Y	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(6)(A)</a>	VESSEL W/ PASS 4 HIRE W/OUT REQUIRED LINES, STRAPS, ANCHORAGE	MC	Y	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(6)(B)</a>	FAILURE TO HAVE APPROPRIATE ANCHORAGE SYSTEM ON RIVER	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(6)(C)</a>	INSUFFICIENT LINES/STRAPS USED ANCHORING/MOORING/STRUCTURAL	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(7)</a>	VESSEL W/ PASS 4 HIRE W/OUT REQUIRED PORTABLE LIGHTING	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(8)</a>	VESSEL W/ PASS 4 HIRE W/OUT REQUIRED FIRST AID KIT	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(9)</a>	VESSEL W/ PASS 4 HIRE W/OUT OUTFITTING CO NAME	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(10)(A)</a>	VESSEL W/ PASS 4 HIRE W/OUT MINIMUM MARINE TOILET/SANITARY FACILITIES	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-6(10)(B)</a>	INAPPROPRIATE MARINE TOILET AND WAHBASIN FACILITIES	MC	Y	\$280	\$0	N	35%	N	Y	C		

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment	Notes
<a href="#">R651-206-6(10)(D)</a>	MARINE TOILET/WASHBASIN NOT MAINTAINED SERVICEABLE/SANITARY	MC	Y	\$280	\$0	N	35%	N	Y	C		
<a href="#">R651-206-6(10)(E)</a>	VESSEL W/49 PASSENGERS TO HAVE 2 MARINE TOILETS/WASHBASINS	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(1)</a>	FAILURE OF TOWING VESSEL FOR HIRE TO REGISTER	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(2)</a>	TOWING VESSEL 4 HIRE TO MEET MAINTENANCE/INSPECTION REQUIRE	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(7)</a>	TOW COMPANY W/OUT LIABILITY INSURANCE	MC	Y	\$370	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(9)</a>	TOWING VESSEL FOR HIRE TO HAVE 1 LICENSE HOLDER ON BOARD	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(10)</a>	TOW COMPANY TRIP LEADER, GUIDE AND PASSENGERS TO WEAR PFD	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(11)</a>	TOW CO FAILS TO MAINTAIN LOG OF EACH TOW OR VESSEL ASSIST	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(12)(A)</a>	TOW CO W/ INSUFFICIENT AMOUNT OF WEARABLE AND THROWABLE PFDs	MC	N	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(12)(B)</a>	TOW CO VESSEL W/OUT DEPTH FINDER	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(12)(C)</a>	TOW CO VESSEL W/OUT APPROPRIATE TOW LINE	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(12)(D)</a>	TOW CO VESSEL W/OUT DEWATERING PUMP W/ 25 G/MIN CAPACITY	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(12)(E)</a>	TOW CO VESSEL W/OUT APPROPRIATE SPOTLIGHT	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(12)(F)</a>	TOW CO VESSEL W/OUT APPROPRIATE VESSEL2VESSEL COMMUNICATION EQUIP	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(12)(G)</a>	TOW CO VESSEL W/OUT APPROPRIATE ADDITIONAL EQUIPMENT	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(A)(I)</a>	TOWING VESSEL FOR HIRE TO CARRY TYPE 1 PDF FOR PERSONS TOWED	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(A)(II)</a>	TOWING VESSEL FOR HIRE TO CARRY TWO TYPE IV PDFs	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(B)</a>	TOWING VESSEL FOR HIRE TO HAVE DEPTH FINDER	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(C)(I)</a>	TOWING VESSEL FOR HIRE TO CARRY APPROPRIATE TOW LINE	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(C)(II)</a>	TOWING VESSEL FOR HIRE TO CARRY TOWING POST/REINFORCED CLEAT	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(D)</a>	TOWING VESSEL FOR HIRE TO HAVE APPROPRIATE DEWATERING PUMP	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(E)(I)</a>	TOWING VESSEL FOR HIRE TO HAVE SPOLIGHT SUNSET TO SUNRISE	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(F)</a>	TOWING VESSEL FOR HIRE TO HAVE COMMUNICATION EQUIPMENT	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-7(13)(G)</a>	TOWING VESSEL FOR HIRE CARRY ADDITIONAL REQUIRED EQUIPMENT	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-206-8(1)</a>	OUTFITTING CO W/OUT CURRENT MAINT/INSP PROGRAM FOR CPFH	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-212-1</a>	FAILURE TO DISPLAY YEARLY REGISTRATION DECAL	IN	N	\$140	\$0	N	35%	N	N	C	Dismissed upon proof of proper display	
<a href="#">R651-212-2</a>	FAILURE TO DISPLAY MONTHLY REGISTRATION DECAL	IN	N	\$140	\$0	N	35%	N	N	C	Dismissed upon proof of proper display	
<a href="#">R651-213-1(4)</a>	DEALER REGISTRATION IMPROPERLY USED	MC	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-213-1(6)</a>	DEALER REGISTRATION/NUMERS USED ON A RENTAL VESSEL	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-213-1(7)</a>	DEALER REGISTRATION/NUMBERS PERMANENTLY ATTACHED	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-214-1(2)</a>	TEMPORARY REGISTRATION EXPIRED	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-2(2)</a>	INSUFFICIENT TYPE IV PDFs ON BOARD VESSEL 16 FT OR GREATER	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-5</a>	PFD NOT IMMEDIATELY AVAILABLE OR ACCESSIBLE	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-6</a>	CARRIED TYPE V PFD NOT APPROVED FOR THE ACTIVITY ENGAGED IN	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-7</a>	ON A WHITEWATER RIVER WITHOUT THE PROPER PFD TYPE	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-9(1)</a>	INFLATABLE PFD NOT ALLOWED BY AGE OR ACTIVITY	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-9(2)</a>	FAILURE TO WEAR A PFD WHILE ON PWC	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-9(3)</a>	PERSON 12 OR UNDER NOT WEARING PFD	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-9(4)</a>	FAILURE TO WEAR PFD ON WHITE WATER	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-215-10</a>	CARRY PASSENGERS W/O PROPER PFD > 26 FT	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-215-11</a>	PFD NOT USED ACCORDING TO LABELING	IN	N	\$140	\$0	N	35%	N	N	C		

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment	Notes
<a href="#">R651-216-8</a>	IMPROPERLY USED NON-NAVIGATION LIGHTS	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-219-1</a>	INSUFFICIENT SOUND PRODUCING DEVICE	IN	N	\$140	\$0	N	35%	N	Y	C		
<a href="#">R651-219-2</a>	FAILURE TO HAVE A BAILING DEVICE ON BOARD	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-219-3</a>	FAILURE TO HAVE A SPARE PROPULSION ON BOARD	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-219-4</a>	VIOLATION OF AIRBOAT EQUIPMENT REQUIREMENT	IN	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-219-5</a>	FAILURE TO PROVIDE SAFETY EQUIPMENT IN GOOD SERVICEABLE COND	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-219-6</a>	NON-LAW ENFORCMENT VESSEL WITH LIGHTS AND SIREN	IN	Y	\$280	\$0	N	35%	N	Y	C		
<a href="#">R651-221-1(1)</a>	FAILURE TO REGISTER LIVERY WITH THE DIVISION	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-221-1(2)</a>	FAILURE TO DISPLAY COMPANY NAME ON VESSEL	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-221-1(3)</a>	FAILURE TO PROVIDE RENTAL AGREEMENT TO RENTER BY LIVERY	MC	N	\$140	\$0	N	35%	N	Y	C		
<a href="#">R651-222</a>	INADEQUATEMUFFLING OF EXHAUST - PARKS AND REC	MC	N	\$170	\$20	N	35%	N	N	C		
<a href="#">R651-222-1</a>	INSUFFICIENT OR NO MUFFLER	MC	N	\$170	\$20	N	35%	N	N	C		
<a href="#">R651-222-3</a>	EXCEEDS J2005 DB(A) LEVEL	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-222-4</a>	EXCEEDS J1970 DB(A) LEVEL	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-222-5</a>	MUFFLER BYPASS SYSTEM-BOTH SYSTEMS ABOVE DB(A) LEVEL	MC	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-222-7(1)</a>	MANUFACTURE/SELL/OFFER FOR SALE A NON COMPLIANT VESSEL	MC	Y	\$300	\$0	N	35%	N	N	C		
<a href="#">R651-223-1</a>	FAILURE TO REPORT ACCIDENT IMMEDIATELY	MC	Y	\$280	\$0	N	35%	N	Y	C		
<a href="#">R651-223-3</a>	FAIL TO SUBMIT WRITTEN REPORT W/IN 10 DAYS OF REPORTABLE ACC	MC	Y	\$280	\$0	N	35%	N	N	C		
<a href="#">R651-224-1</a>	FAILURE TO MAINTAIN SAFE COURSE	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-224-2</a>	UNLAWFUL METHODS OF TOWING	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-224-3</a>	FAILURE TO DISPLAY OR PROPERLY DISPLAY A WATER SKI FLAG	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-224-4</a>	FAILURE TO WEAR A PFD ON TOWED DEVICE	MC	N	\$140	\$0	N	35%	N	N	C	+ \$10 for each additional deficiency	
<a href="#">R651-224-5</a>	TOWED PERSON EXCEEDING VESSEL CAPACITY	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-224-6</a>	TOWING IN A MARINA PROHIBITED	MC	N	\$140	\$0	N	35%	N	N	C		
<a href="#">R651-405-2</a>	FAILURE TO DISPLAY OHV IMPLEMENT STICKER	IN	N	\$90	\$0	N	35%	N	N	C		
<a href="#">R651-411-2</a>	OHV USE RESTRICTIONS	IN	N	\$100	\$0	N	35%	N	N	C		
<a href="#">R651-602-1</a>	LANDING/TAKING OFF OF AIRCRAFT WITHIN STATE PARK PROHIBITED	IN	Y	\$610	\$0	N	35%	N	Y	C		
<a href="#">R651-602-2</a>	AIR DELIVERY/PICKUP OF PERSON/THING IN STATE PK W/O PERMISS	IN	Y	\$610	\$0	N	35%	N	N	C		
<a href="#">R651-602-3</a>	POWERLESS FLIGHT LAUNCHING/LANDING W/IN STATE PK W/O PERMIT	IN	Y	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-602-5</a>	AIRCRAFT VIOLATING SPECIFIED TIME AND DISTANCE REQUIREMENT	IN	Y	\$330	\$0	N	35%	N	N	C		
<a href="#">R651-602-6</a>	AIRCRAFT VIOLATING PROPULSION AND DISTANCE REQ (W/IN 500 FT)	IN	Y	\$330	\$0	N	35%	N	N	C		
<a href="#">R651-603-1(1)</a>	PET NOT ON LEASH OR CONFINED	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-603-1(2)</a>	FAILURE TO CLEAN UP PET FECAL MATTER	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-603-2</a>	ANIMAL IN PROHIBITED AREA	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-603-3</a>	LEAVING ANIMAL UNATTENDED WITHOUT PERMIT	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-603-4</a>	VICIOUS DANGEROUS OR NOISY ANIMAL	IN	N	\$240	\$0	N	35%	N	Y	C		
<a href="#">R651-603-5</a>	FEED/TOUCH/TEASE/MOLEST-INTENTIONALLY DISTURBING WILDLIFE	IN	N	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-603-6</a>	HITCHING/TYING ANIMAL RESULTING IN DAMAGE OR BLOCKED TRAFFIC	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-603-7</a>	HORSE ON RESTRICTED TRAIL	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-603-8</a>	HORSE USE IN NONDESIGNATED AREA	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-604-1</a>	OPERATION OR USE OF AUDIO OR NOISE PRODUCING DEVICES	IN	N	\$180	\$0	N	35%	N	Y	C		

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment	Notes
<a href="#">R651-604-2</a>	OPERATION OR USE OF A PUBLIC ADDRESS SYSTEM	IN	N	\$180	\$0	N	35%	N	N	C		
<a href="#">R651-605-1</a>	BEGGING PROHIBITED	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-605-2</a>	SOLICITING WITHOUT A PERMIT	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-606-1</a>	CAMPING IN AN UNDEVELOPED AREA WITHOUT A PERMIT	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-606-2</a>	OCCUPYING A RESERVED CAMPSITE	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-606-3</a>	EXCEEDING MAXIMUM OCCUPANCY	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-606-4</a>	FAILURE TO PAY CAMPING FEES	IN	N	\$130	\$0	N	35%	N	Y	C	Dismissed upon proof of camping fee paid prior to citation	
<a href="#">R651-606-5</a>	EXCEEDING LENGTH OF STAY IN CAMPGROUND	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-606-6</a>	UNAUTHORIZED USE OF SHOWERS	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-606-7</a>	PARKING OR CAMPING IN AN UNDESIGNATED AREA	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-606-8</a>	EXCEED 2:00 PM CHECKOUT TIME	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-606-9</a>	LITTERING IN CAMPSITE	IN	N	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-606-10</a>	QUIET HOURS VIOLATION	IN	N	\$200	\$0	N	35%	N	Y	C		
<a href="#">R651-607-2</a>	PARTICIPATING IN A POSTED RESTRICTED ACTIVITY	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-608-2</a>	UNAUTHORIZED EVENT	IN	Y	\$610	\$0	N	35%	N	Y	C		
<a href="#">R651-609-1</a>	USE OR POSSESSION OF FIREWORK OR EXPLOSIVE W/OUT PERMIT	IN	N	\$150	\$0	N	35%	N	N	C		
<a href="#">R651-610-1</a>	EXPELLED FROM PARK FOR 48 HOURS	IN	N	\$200	\$0	N	35%	N	Y	C		
<a href="#">R651-611-1</a>	FAIL TO PAY PARK FEE	IN	N	\$130	\$0	N	35%	N	Y	C	Dismissed upon proof of paying park fee paid prior to occupancy or facility use	
<a href="#">R651-613-1</a>	LIGHTING OR MAINTAINING A FIRE IN PROHIBITED AREA	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-613-2</a>	UNATTENDED FIRE	IN	N	\$200	\$0	N	35%	N	Y	C		
<a href="#">R651-613-3</a>	THROWING/DROPPING BURNING MATERIAL	IN	Y	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-613-4</a>	SMOKING OR LIGHTING FIRES WHEN PROHIBITED	IN	Y	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-614-2</a>	FISHING IN A PROHIBITED PARK AREA	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-614-3</a>	ICE FISHING IN A POSTED CLOSED AREA PARK	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-614-4</a>	HUNTING WILDLIFE IN A PROHIBITED PARK AREA	IN	Y	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-614-6</a>	TRAPPING IN A PARK AREA WITHOUT A PERMIT	IN	Y	\$610	\$0	N	35%	N	N	C		
<a href="#">R651-615-2</a>	BLOCKING TRAFFIC PROHIBITED	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-615-3</a>	PARKING IN AN UNDESIGNATED AREA	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-615-4</a>	MOTOR VEHICLE OPERATION IN A DEVELOPED PARK AREA	IN	N	\$240	\$0	N	35%	N	N	C		
<a href="#">R651-615-5</a>	MOTOR VEHICLE OPERATION IN A CLOSED PARK AREA	IN	N	\$240	\$0	N	35%	N	Y	C		
<a href="#">R651-615-6</a>	OPERATE OHV IN A CLOSED PARK AREA	IN	N	\$240	\$0	N	35%	N	Y	C		
<a href="#">R651-616-1</a>	ORGANIZED SPORTS IN AN UNDESIGNATED PARK AREA	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-617-1</a>	VIOLATION OF PERMIT TERMS AND CONDITIONS	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-618-1</a>	PICNICKING IN AN UNDESIGNATED AREA	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-619-2</a>	POSSESS/CONSUME ALCOHOL AT PARK/VISITOR CTR/MUSEUM W/O PERMT	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-620-2(1)(A)</a>	CONSTRUCTING FENCE/ROAD/UTILITY LINE/TOWER, ETC W/O PERMIT	IN	Y	\$610	\$0	N	35%	N	N	C		
<a href="#">R651-620-2(1)(B)</a>	REMOVE/EXTRACT/USE/CONSUME/POSSESS/DESTRUCT NATURAL RESOURCE	IN	Y	\$610	\$0	N	35%	N	Y	C		
<a href="#">R651-620-2(1)(C)</a>	GRAZING OF LIVESTOCK WITHOUT AUTHORIZATION	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-620-2(1)(D)</a>	OCCUPY PARK PROPERTY <30 DAYS AFTER PERMIT/LEASE EXPIRES	IN	N	\$170	\$0	N	35%	N	N	C		

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment	Notes
<a href="#">R651-620-2(1)(E)</a>	ANY USE OR OCCUPATION IN VIOLATION OF DIVISION RULES	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-620-3</a>	TOSS/THROW/ROLL ROCKS - MATERIAL INTO VALLEY/CANYON/MTN/HILL	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-620-4</a>	COLLECTING FIREWOOD WITHOUT A PERMIT	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-620-5</a>	GLASS CONTAINERS IN PROHIBITED PARK AREA	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-620-6</a>	METAL DETECTING WITHOUT A PERMIT	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-621-1</a>	FAIL TO REPORT PERSONAL INJURY/PROPERTY DAMAGE TO PARK REPS	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-622-1</a>	TECHNICAL ROCK CLIMBING WITHOUT A PERMIT	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-622-2</a>	INSTALL/REMOVE PERMANENT ROCK CLIMBING EQUIPMENT W/O PERMIT	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-623-1</a>	POSTING OR DISTRIBUTING PRINTED MATERIAL WITHOUT PERMIT	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-624-1</a>	UNLAWFUL DISPOSING OF GARBAGE	IN	Y	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-624-2</a>	UNLAWFUL DRAINING OR DUMPING OF GRAY WATER	IN	Y	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-624-3</a>	UNLAWFUL CLEANING AND WASHING AT CAMPGROUND HYDRANTS	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-624-4</a>	UNLAWFUL CLEANING/DISPOSAL OF FISH/UNDESIGNATED PARK FACILITY	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-625-1</a>	SHIRT/SHOES REQUIRED IN MUSEUMS/VISITOR CTR AND ADMIN OFFICE	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-626-1</a>	ROLLER SKATE/SKATEBOARD/MOTOR TRANSPORT IN UNDESIGNATED AREA	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-627-1</a>	SWIMMING IN PROHIBITED AREA	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-627-2</a>	SCUBA DIVING IN PROHIBITED AREA	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-627-3</a>	SWIMMING IN VIOLATION OF PUBLIC HEALTH CLOSURE	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-628-1</a>	RIDING BICYCLES OR OTHER VEHICLES IN AN UNDESIGNATED AREA	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-628-2</a>	BLOCKING NORMAL USE OF A TRAIL AND WALKWAY IS PROHIBITED	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-628-3</a>	FAILURE TO STAY ON WALKS AND DESIGNATED TRAILS	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-630-1</a>	UNSUPERVISED CHILDREN UNDER 16 YEARS OF AGE	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-631-1</a>	WINTER SPORTS IN AN UNDESIGNATED AREA	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-633-1</a>	ENTER CLOSED AREA/RESTRICTED ACTIVITIES - EMERGENCY CLOSURE	IN	N	\$240	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(1)</a>	CORAL PINK SAND DUNES: MOTOR VEHICLE USE PROHIBITED	IN	N	\$240	\$0	N	35%	N	N	C		
<a href="#">R651-633-2(2)</a>	DEAD HORSE POINT: HANG GLIDE/PARA GLIDE/BASE JUMP PROHIBITED	IN	Y	\$610	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(3)</a>	DEER CREEK PARK: DOGS PROHIBITED BELOW WATERLINE & RESERVOIR	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(4)</a>	JORDANELLE STATE PARK: ALLOWING DOGS IN PROHIBITED PARK AREA	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(5)</a>	PALISADE STATE PARK-CLIFF DIVING IS PROHIBITED	IN	N	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(6)</a>	RED FLEET STATE PARK-CLIFF DIVING IS PROHIBITED	IN	N	\$330	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(7)(A)</a>	SNOW CANYON-HIKING/WALKING IN DESIGNATED AREAS ONLY	MC	N	\$140	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(7)(B)</a>	SNOW CANYON-JENNYS CANYON TRAIL CLOSED MAR 15 TO JUNE 1	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(7)(C)</a>	SNOW CANYON-JOHNSON ARCH CLOSED 3/15-6/1 PERMIT/GUIDE W/OPEN	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R651-633-2(7)(D)</a>	SNOW CANYON-BLACK ROCK CANYON CLOSED MARCH 15 TO JUNE 30	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(7)(E)</a>	SNOW CANYON-WEST CANYON CLIMBING RTE CLOSED FEB 1 TO JUNE 1	IN	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(7)(F)</a>	SNOW CANYON-DOG PROHIBITED UNLESS POSTED	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-633-2(7)(G)</a>	SNOW CANYON-HANG GLIDE/PARA GLIDE/BASE JUMPING PROHIBITED	IN	Y	\$610	\$0	N	35%	N	Y	C		
<a href="#">R651-634-1</a>	NON-RESIDENT OHV USER PERMITS AND FEES	IN	N	\$100	\$0	N	35%	N	N	C		
<a href="#">R651-634-1(A)</a>	FAILURE TO DISPLAY NON RESIDENT USER FEE DECAL	IN	N	\$100	\$5	N	35%	N	N	C	\$5 suspended upon compliance	
<a href="#">R651-634-1(B)</a>	FAILURE TO HAVE NON RESIDENT RECEIPT ON OHV	IN	N	\$100	\$50	N	35%	N	N	C	Dismissed upon proof	
<a href="#">R651-635-1</a>	CONDUCTING COMMERCIAL ACTIVITY IN PARK W/OUT AUTHORIZATION	IN	Y	\$610	\$0	N	35%	N	Y	C		

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment	Notes
<a href="#">R651-801-1</a>	SWIMMING IN A PROHIBITED AREA	IN	N	\$130	\$0	N	35%	N	Y	C		
<a href="#">R651-802-1(1)</a>	FAILURE TO DISPLAY A SCUBA DIVERS FLAG WHILE SCUBA DIVING	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-802-1(2)</a>	LEAVING SCUBA DIVERS FLAG DISPLAYED WHEN NOT DIVING	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-802-1(3)</a>	FAIL TO HAVE LIGHTED SCUBA FLAG AFTER SUNSET/BEFORE SUNRISE	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-802-1(4)</a>	PLACED A SCUBA FLAG IN AREA THE UNDULY RESTRICTED BOATING	IN	N	\$130	\$0	N	35%	N	N	C		
<a href="#">R651-802-1(5)</a>	SCUBA DIVING IN PROHIBITED AREA	MC	N	\$170	\$0	N	35%	N	Y	C		
<a href="#">R651-802-1(6)</a>	SCUBA DIVING WITHOUT PROPER CERTIFICATE	IN	N	\$170	\$0	N	35%	N	N	C		
<a href="#">R652-70-1900</a>	OPERATED MOTOR VEHICLES ON SOVEREIGN LANDS	MB	N	\$250	\$0	N	90%	N	Y	C		
<a href="#">R652-70-1900(2)</a>	CAMPING IN UNDESIGNATED AREA ON SOVEREIGN LANDS	MB	N	\$250	\$0	N	90%	N	Y	C		

[Utah Code 72-9-103\(1\)\(a\) states adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations including minimum s](#)

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns
173.21	FORBIDDEN ITEMS (ALL CARRIERS)	MB	Y	\$510	\$0	Y	0%	N	Y	C
173.301	GASES: PREPARATION AND PACKAGING VIOLATION	MB	Y	\$570	\$0	Y	0%	N	Y	C
173.441	RADIOACTIVE MATERIAL/EXCEEDING ALLOW LIM	MB	Y	\$570	\$0	Y	0%	N	Y	C
177.817	GENERAL SHIPPING PAPERS VIOLATION	MB	N	\$210	\$0	Y	0%	N	Y	C
177.823	VEHICLE HAULING HAZMAT CANNOT BE MOVED WITHOUT PLACARD	MB	Y	\$260	\$0	Y	0%	N	N	C
177.834	LOADING & SECUREMENT VIOLATION	MB	N	\$260	\$0	Y	0%	N	N	C
383.21	OPERATING COMMERCIAL VEHICLE WITH MORE THAN ONE LICENSE	MB	N	\$510	\$0	Y	0%	N	N	C
383.23	COMMERCIAL DRIVER'S LICENSE (CDL) VIOLAT	MB	N	\$110	\$0	Y	0%	Y	N	C
383.51	DISQUALIFIED DRIVER	MB	N	\$570	\$0	Y	0%	Y	N	C
390.21	NO COMPANY NAME/USDOT NUMBER DISPLAYED	MB	N	\$110	\$0	Y	0%	N	N	C
391.11	UNQUALIFIED DRIVER VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
391.15	DRIVING WHILE DISQUALIFIED	MB	N	\$570	\$0	Y	0%	N	N	C
391.41	PHYSICAL QUALIFICATION FOR DRIVERS - NO/EXPIRED MEDICAL CARD	MB	N	\$110	\$0	Y	0%	N	N	C
391.45	PERSONS/MEDICALLY EXAMINED & CERTIFIED	MB	N	\$190	\$0	N	90%	N	N	C
391.49	NO WAIVER WHEN REQUIRED	MB	N	\$110	\$0	Y	0%	N	N	C
392.11	CMV FAIL TO SLOW DOWN AND CHECK CLEARING	MB	Y	\$170	\$0	N	90%	Y	N	C
392.16	SEATBELT VIOLATION - COMMERCIAL VEHICLE	IN	N	\$60	\$0	Y	0%	N	N	C
392.22	STOPPED CMV FAILURE TO USE WARNING LIGHTS/SIGNALS	MB	N	\$50	\$0	Y	0%	N	N	C
392.24	ATTACH LIGHTED FUSEE/OTHER FLAME-PRODUCING EMERGENCY SIGNAL	MB	N	\$110	\$0	Y	0%	N	N	C
392.3	ILL OR FATIGUED DRIVER	MB	Y	\$680	\$0	N	90%	Y	Y	C
392.4	POSSESS, BE UNDER INFLUENCE OF, OR USE DRUGS ON DUTY	MB	Y	\$720	\$0	N	90%	Y	Y	C
392.60	CARRY UNAUTHORIZED PERSON	MB	N	\$70	\$0	Y	0%	N	N	C
392.80	TEXTING WHILE DRIVING	MB	Y	\$360	\$0	N	90%	Y	N	C
392.82	USING A HAND-HELD MOBILE TELEPHONE - CMV VIOLATION	MB	Y	\$360	\$0	N	90%	Y	N	C
392.9	INSPECTION OF CARGO, SECUREMENT DEV/SYST	MC	N	\$110	\$0	Y	0%	N	N	C



## 2018 Federal Motor Carrier Codes

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393.100	SHIFTING/FALLING CARGO VIOLATION	MC	N	\$320	\$0	N	35%	N	N	C
393.102	INADEQUATE SECUREMENT OF CARGO	MB	N	\$280	\$0	Y	0%	N	N	C
393.106	REQUIREMENTS TO SECURE ARTICLES OF CARGO	MB	N	\$110	\$0	Y	0%	N	N	C
393.11	LIGHTING DEVICES VIOLATIONS	MB	N	\$110	\$0	Y	0%	Y	N	C
393.128	SECUREMENT OF AUTOMOBILES, LIGHT TRUCKS AND VANS	MB	N	\$280	\$0	Y	0%	N	N	C
393.13	NO REFLECTOR TAPE ON SEMI TRAILER	MC	N	\$60	\$0	Y	0%	N	N	C
393.130	SECUREMENT OF HEAVY VEHICLES, EQUIPMENT OR MACHINERY	MB	N	\$280	\$0	Y	0%	N	N	C
393.201	CRACKED, BROKEN, DISPLACED FRAME/TRACTOR	MB	N	\$110	\$0	Y	0%	N	N	C
393.205	WHEEL & RIM VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.207	SUSPENSION SYSTEM VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.209	STEERING MECHANISM VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.22	PROHIBITED COMBINATION OF LIGHTING DEVICES AND REFLECTORS	MB	N	\$110	\$0	Y	0%	N	N	C
393.41	PARKING BRAKE REQUIRED	MB	N	\$110	\$0	Y	0%	N	N	C
393.42	MISSING BRAKE	MB	N	\$110	\$0	Y	0%	N	N	C
393.43	INOPERABLE BREAKAWAY SYSTEM	MB	N	\$110	\$0	Y	0%	N	N	C
393.45	BRAKE TUBING/HOSE VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.47	BRAKE LININGS OR PADS VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.48	BRAKES TO BE OPERATIVE - CMV	MB	N	\$110	\$0	Y	0%	N	N	C
393.50	AIR RESERVOIR SECURITY	MB	N	\$60	\$0	Y	0%	N	N	C
393.51	LOW PRESSURE WARNING DEVICE	MC	N	\$120	\$0	N	35%	N	N	C
393.60	GLAZING AND WINDOW CONSTRUCTION VIOLATION	MB	N	\$50	\$0	Y	0%	N	N	C
393.65	FUEL TANK MOUNTING VIOLATION	MB	N	\$60	\$0	Y	0%	N	N	C
393.67	LIQUID FUEL TANK VIOLATION	MB	N	\$40	\$0	Y	0%	N	N	C
393.70	COUPLING DEVICE/TOWING METHOD VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.71	COUPLING DEVICE/TOWING METHOD VIOLATION	MC	N	\$170	\$0	N	35%	N	N	C
393.75	TIRE VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.78	WINDSHIELD WIPER VIOLATION	MB	N	\$40	\$0	Y	0%	N	N	C
393.81	HORN/WARNING SIGNAL	MB	N	\$50	\$0	Y	0%	Y	N	C

393.83	EXHAUST SYSTEM VIOLATION	MB	N	\$40	\$0	Y	0%	N	N	C
393.86	REAR IMPACT GUARD REQUIRED	MB	N	\$570	\$0	Y	0%	Y	N	C
393.87	WARNING FLAGS ON PROJECTED LOADS	MB	N	\$110	\$0	Y	0%	Y	N	C
393.88	TELEVISION SCREEN NOT TO BE VISIBLE TO DRIVER WHILE DRIVING	MB	N	\$110	\$0	Y	0%	N	N	C
393.93	SEATS/SEAT BELT VIOLATION	MB	N	\$60	\$0	Y	0%	Y	N	C
393.95	EMERGENCY EQUIPMENT ON ALL POWER UNITS	MB	N	\$110	\$0	Y	0%	N	N	C
396.11	DRIVER VEHICLE INSPECTION REPORT	MB	N	\$40	\$0	Y	0%	N	N	C
396.5	LUBRICATION	MB	N	\$110	\$0	Y	0%	N	N	C
396.7	UNSAFE OPERATIONS VIOLATION	MB	N	\$110	\$0	Y	0%	Y	N	C
397.13	SMOKING	MB	N	\$160	\$0	Y	0%	N	N	C
397.67	UNLAWFUL ROUTING OF NON-RADIOACTIVE HAZARDOUS MATERIALS	MB	N	\$300	\$0	N	90%	N	Y	C
171.2(B)	FAIL TO COMPLY WITH HAZARDOUS MATERIALS REQUIREMENTS	MB	N	\$260	\$0	Y	0%	N	Y	C
177.817(A)	SHIPPING PAPERS REQUIRED FOR HAZARDOUS MATERIAL	MB	Y	\$510	\$0	Y	0%	N	Y	C
177.817A	NO BILL OF LADING FOR FLAMMABLE MATERIAL	MB	Y	\$510	\$0	Y	0%	N	Y	C
391.41(A)(1)	NO MEDICAL CARD OR EXPIRED CARD IF REQUIRED	MB	N	\$110	\$20	Y	0%	N	N	C
392.5(A)(2)	MEASURABLE AMOUNT OR DETECTABLE PRESENCE OF ALCOHOL	MB	Y	\$1,460	\$0	N	90%	N	Y	C
392.5(A)(3)	ON DUTY OR OPERATING COMM VEHICLE WHILE IN POSSESSION OF ALC	MB	Y	\$1,460	\$0	N	90%	N	Y	C
392.71(A)	USE/POSSESSION OF RADAR DETECTORS PROHIB USE IN CMV	MB	N	\$110	\$0	Y	0%	N	N	C
392.71(B)	REQUIRE OR PERMIT DRIVER TO USE RADAR DETECTOR	MB	N	\$110	\$0	Y	0%	N	N	C
392.82(A)(1)	USING A HAND-HELD MOBILE TELEPHONE WHILE DRIVING A CMV	MB	Y	\$360	\$0	N	90%	Y	N	C
392.9(A)	UNAUTHORIZED DRIVER	MB	N	\$110	\$0	Y	0%	Y	N	C
392.9A	OPERATING AUTHORITY	MB	N	\$110	\$0	Y	0%	N	N	C
393.13(A)	RETROFLECTIVE TAPE NOT AFFIXED AS REQUIRED	MC	N	\$60	\$0	Y	0%	N	N	C
393.24(C)	IMPROPER HEADLAMP MOUNTING	MB	N	\$110	\$0	Y	0%	N	N	C
393.25(F)	STOP LAMP OPERATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.48(A)	DEFECTIVE BRAKING ACTION	MB	N	\$110	\$0	Y	0%	N	N	C
393.60(D)	CMV - WINDOW TINT VIOLATION	MB	N	\$50	\$0	Y	0%	N	N	C
393.75(A)	MISCELLANEOUS TIRE VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C

393.75(B)	STEERING AXLE VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
393.95(A)	FIRE EXTINGUISHER REQUIRED	MB	N	\$110	\$0	Y	0%	N	N	C
393.95(F)	WARNING DEVICES REQUIRED FOR STOPPED VEHICLES	MB	N	\$110	\$0	Y	0%	N	N	C
395.13(B2)	NO LOG BOOK IN DRIVER'S POSSESSION REQUIRED	MB	N	\$310	\$0	Y	0%	N	N	C
395.13(D)	DRIVING WHEN DECLARED OUT OF SERVICE	MB	N	\$1,090	\$0	N	90%	Y	N	C
395.3(A)(1)	EXCESS OF 10 HOUR RULE	MB	N	\$110	\$0	Y	0%	N	N	C
395.3(A)(2)	EXCESS OF 14 HOUR RULE	MB	N	\$110	\$0	Y	0%	N	N	C
395.3(A)(3)	CMV - EXCESS OF THE 11 HOUR RULE	MB	N	\$110	\$0	Y	0%	N	N	C
395.3(A)(3)(I)	CMV - EXCESS DRIVING 8 HOURS SINCE LAST OFF DUTY	MB	N	\$110	\$0	Y	0%	N	N	C
395.3(B)	DRIVING AFTER 60/70	MB	N	\$200	\$0	N	90%	N	N	C
395.3(B1)	EXCESS OF 60 HOUR RULE	MB	N	\$110	\$0	Y	0%	N	N	C
395.3(B2)	EXCESS OF 70 HOUR RULE	MB	N	\$110	\$0	Y	0%	N	N	C
395.5(A)	EXCESS OF 10/15 HOUR RULE - PASSENGER CARRYING VEHICLES	MB	N	\$110	\$0	Y	0%	N	N	C
395.5(B)	DRIVING AFTER 60/70 HOUR RULE - PASSENGER CARRYING VEHICLE	MB	N	\$110	\$0	Y	0%	N	N	C
395.8(A)	NO RECORD OF DUTY STATUS (LOG BOOK)	MB	N	\$310	\$0	Y	0%	N	N	C
395.8(E)	FALSE LOG BOOK	MB	N	\$510	\$0	Y	0%	N	N	C
395.8(F)(1)	LOG BOOK ENTRIES MUST BE CURRENT	MB	N	\$210	\$0	Y	0%	N	N	C
395.8(K)(2)	NO RECORD OF DUTY STATUS(PREV 7 DAYS)	MB	N	\$210	\$0	Y	0%	N	N	C
396.17(C)	NO PROOF OF ANNUAL INSPECTION	MB	N	\$570	\$0	Y	0%	N	N	C
396.3(A)	INSPECTION REPAIR MAINTENANCE VIOLATION	MB	N	\$110	\$0	Y	0%	N	N	C
396.9(C)(2)	INSPECTION OF MOTOR VEH OUT OF SERVICE	MB	N	\$1,140	\$0	N	90%	N	N	C
396.9(D)(2)	FAILURE TO REPAIR PREVIOUS DEFECT	MC	N	\$110	\$0	Y	0%	Y	N	C

security requirements for motor carriers;

[illegible]

[illegible]

[illegible]

Shut Down 10 Hours	
Shut Down 10 Hours	
Shut Down 10 Hours	
Shut Down 10 Hours	

## SPEEDING VIOLATIONS

The amounts below are provided as an examples to illustrate how bail amounts are adjusted based on the miles per hour (MPH) over the speed limit for the given violation code

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment
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**Speeding in a Construction Zone**

41-6a-209(2)(a)	1-10 MPH Over Speed Limit	IN	N	\$170	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	11-15 MPH Over Speed Limit	IN	N	\$220	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	16-20 MPH Over Speed Limit	IN	N	\$320	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	21-25 MPH Over Speed Limit	IN	N	\$470	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	26-30 MPH Over Speed Limit	IN	N	\$670	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	31+ MPH Over Speed Limit	IN	Y	\$870	\$0	N	35%	Y	N	C	Add \$20 for every mph over 31

**Speeding**

41-6a-601	1-10 MPH Over Speed Limit	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6a-601	11-15 MPH Over Speed Limit	IN	N	\$150	\$0	N	35%	Y	N	C	
41-6a-601	16-20 MPH Over Speed Limit	IN	N	\$200	\$0	N	35%	Y	N	C	
41-6a-601	21-25 MPH Over Speed Limit	IN	N	\$270	\$0	N	35%	Y	N	C	
41-6a-601	26-30 MPH Over Speed Limit	IN	N	\$370	\$0	N	35%	Y	N	C	
41-6a-601	31+ MPH Over Speed Limit	IN	Y	\$470	\$0	N	35%	Y	N	C	Add \$10 for every mph over 31

**Speeding in a School Zone (1st Offense)**

41-6a-604	0-9 MPH Over Speed Limit	MC	Y	\$140	\$0	N	35%	Y	N	C	
41-6a-604	10-19 MPH Over Speed Limit	MC	Y	\$240	\$0	N	35%	Y	N	C	
41-6a-604	20+ MPH Over Speed Limit	MC	Y	\$440	\$0	N	35%	Y	N	C	

**Speeding in a School Zone (2nd or Subsequent Offense)**

41-6a-604	0-9 MPH Over Speed Limit	MC	Y	\$140	\$0	N	35%	Y	N	C	
41-6a-604	10-19 MPH Over Speed Limit	MC	Y	\$370	\$0	N	35%	Y	N	C	
41-6a-604	20+ MPH Over Speed Limit	MC	Y	\$780	\$0	N	35%	Y	N	C	



## Gross Vehicle Weight and Fine Amounts

Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
2001	50.00	50.00	2700	158.00	185.00	3400	186.00	220.00	4100	214.00	255.00
2020	130.80	151.00	2720	158.80	186.00	3420	186.80	221.00	4120	214.80	256.00
2040	131.60	152.00	2740	159.60	187.00	3140	175.60	207.00	4140	215.60	257.00
2060	132.40	153.00	2760	160.40	188.00	3460	188.40	223.00	4160	216.40	258.00
2080	133.20	154.00	2780	161.20	189.00	3480	189.20	224.00	4180	217.20	259.00
2100	134.00	155.00	2800	162.00	190.00	3500	190.00	225.00	4200	218.00	260.00
2120	134.80	156.00	2820	162.80	191.00	3520	190.80	226.00	4220	218.80	261.00
2140	135.60	157.00	2840	163.60	192.00	2540	151.60	177.00	4240	219.60	262.00
2160	136.40	158.00	2860	164.40	193.00	3560	192.40	228.00	4260	220.40	263.00
2180	137.20	159.00	2880	165.20	194.00	3580	193.20	229.00	4280	221.20	264.00
2200	138.00	160.00	2900	166.00	195.00	3600	194.00	230.00	4300	222.00	265.00
2220	138.80	161.00	2920	166.80	196.00	3620	194.80	231.00	4320	222.80	266.00
2240	139.60	162.00	2940	167.60	197.00	3640	195.60	232.00	4340	223.60	267.00
2260	140.40	163.00	2960	168.40	198.00	3560	192.40	228.00	4360	224.40	268.00
2280	141.20	164.00	2980	169.20	199.00	3680	197.20	234.00	4380	225.20	269.00
2300	142.00	165.00	3000	170.00	200.00	3700	198.00	235.00	4400	226.00	270.00
2320	142.80	166.00	3020	170.80	201.00	3720	198.80	236.00	4420	226.80	271.00
2340	143.60	167.00	3040	171.60	202.00	2740	159.60	187.00	4440	227.60	272.00
2360	144.40	168.00	3060	172.40	203.00	3760	200.40	238.00	4460	228.40	273.00
2380	145.20	169.00	3080	173.20	204.00	3780	201.20	239.00	4480	229.20	274.00
2400	146.00	170.00	3100	174.00	205.00	3800	202.00	240.00	4500	230.00	275.00
2420	146.80	171.00	3120	174.80	206.00	3820	202.80	241.00	4520	230.80	276.00
2440	147.60	172.00	3140	175.60	207.00	3840	203.60	242.00	4540	231.60	277.00
2460	148.40	173.00	3160	176.40	208.00	2860	164.40	193.00	4560	232.40	278.00
2480	149.20	174.00	3180	177.20	209.00	3880	205.20	244.00	4580	233.20	279.00
2500	150.00	175.00	3200	178.00	210.00	3900	206.00	245.00	4600	234.00	280.00
2520	150.80	176.00	3220	178.80	211.00	3920	206.80	246.00	4620	234.80	281.00
2540	151.60	177.00	3240	179.60	212.00	3940	207.60	247.00	4640	235.60	282.00
2560	152.40	178.00	3260	180.40	213.00	3960	208.40	248.00	4660	236.40	283.00
2580	153.20	179.00	3280	181.20	214.00	3980	209.20	249.00	4680	237.20	284.00
2600	154.00	180.00	3300	182.00	215.00	4000	210.00	250.00	4700	238.00	285.00
2620	154.80	181.00	3320	182.80	216.00	4020	210.80	251.00	4720	238.80	286.00
2640	155.60	182.00	3340	183.60	217.00	4040	211.60	252.00	4740	239.60	287.00
2660	156.40	183.00	3360	184.40	218.00	4060	212.40	253.00	4760	240.40	288.00

<i>2680</i>	157.20	184.00	<i>3380</i>	185.20	219.00	<i>4080</i>	213.20	254.00	<i>4780</i>	241.20	289.00
Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
<i>4800</i>	242.00	290.00	<i>5500</i>	325.00	325.00	<i>6200</i>	360.00	360.00	<i>6900</i>	395.00	395.00
<i>4820</i>	242.80	291.00	<i>5520</i>	326.00	326.00	<i>6220</i>	361.00	361.00	<i>6920</i>	396.00	396.00
<i>4840</i>	243.60	292.00	<i>5540</i>	327.00	327.00	<i>6240</i>	362.00	362.00	<i>6940</i>	397.00	397.00
<i>4860</i>	244.40	293.00	<i>5560</i>	328.00	328.00	<i>6260</i>	363.00	363.00	<i>6960</i>	398.00	398.00
<i>4830</i>	243.20	291.50	<i>5580</i>	329.00	329.00	<i>6280</i>	364.00	364.00	<i>6980</i>	399.00	399.00
<i>4900</i>	246.00	295.00	<i>5600</i>	330.00	330.00	<i>6300</i>	365.00	365.00	<i>7000</i>	400.00	400.00
<i>4920</i>	246.80	296.00	<i>5620</i>	331.00	331.00	<i>6320</i>	366.00	366.00	<i>7020</i>	401.00	401.00
<i>4940</i>	247.60	297.00	<i>5540</i>	327.00	327.00	<i>6340</i>	367.00	367.00	<i>7040</i>	402.00	402.00
<i>4960</i>	248.40	298.00	<i>5560</i>	328.00	328.00	<i>6360</i>	368.00	368.00	<i>7060</i>	403.00	403.00
<i>4980</i>	249.20	299.00	<i>5580</i>	329.00	329.00	<i>6380</i>	369.00	369.00	<i>7080</i>	404.00	404.00
<i>5000</i>	250.00	300.00	<i>5700</i>	335.00	335.00	<i>6400</i>	370.00	370.00	<i>7100</i>	405.00	405.00
<i>5020</i>	301.00	301.00	<i>5720</i>	336.00	336.00	<i>6420</i>	371.00	371.00	<i>7120</i>	406.00	406.00
<i>5040</i>	302.00	302.00	<i>5740</i>	337.00	337.00	<i>6440</i>	372.00	372.00	<i>7140</i>	407.00	407.00
<i>5060</i>	303.00	303.00	<i>5760</i>	338.00	338.00	<i>6460</i>	373.00	373.00	<i>7160</i>	408.00	408.00
<i>5080</i>	304.00	304.00	<i>5780</i>	339.00	339.00	<i>6480</i>	374.00	374.00	<i>7180</i>	409.00	409.00
<i>5100</i>	305.00	305.00	<i>5800</i>	340.00	340.00	<i>6500</i>	375.00	375.00	<i>7200</i>	410.00	410.00
<i>5120</i>	306.00	306.00	<i>5820</i>	341.00	341.00	<i>6520</i>	376.00	376.00	<i>7220</i>	411.00	411.00
<i>5140</i>	307.00	307.00	<i>5840</i>	342.00	342.00	<i>6540</i>	377.00	377.00	<i>7240</i>	412.00	412.00
<i>5160</i>	308.00	308.00	<i>5860</i>	343.00	343.00	<i>6560</i>	378.00	378.00	<i>7260</i>	413.00	413.00
<i>5180</i>	309.00	309.00	<i>5880</i>	344.00	344.00	<i>6580</i>	379.00	379.00	<i>7280</i>	414.00	414.00
<i>5200</i>	310.00	310.00	<i>5900</i>	345.00	345.00	<i>6600</i>	380.00	380.00	<i>7300</i>	415.00	415.00
<i>5220</i>	311.00	311.00	<i>5920</i>	346.00	346.00	<i>6620</i>	381.00	381.00	<i>7320</i>	416.00	416.00
<i>5240</i>	312.00	312.00	<i>5940</i>	347.00	347.00	<i>6640</i>	382.00	382.00	<i>7340</i>	417.00	417.00
<i>5260</i>	313.00	313.00	<i>5960</i>	348.00	348.00	<i>6660</i>	383.00	383.00	<i>7360</i>	418.00	418.00
<i>5280</i>	314.00	314.00	<i>5980</i>	349.00	349.00	<i>6680</i>	384.00	384.00	<i>7380</i>	419.00	419.00
<i>5300</i>	315.00	315.00	<i>6000</i>	350.00	350.00	<i>6700</i>	385.00	385.00	<i>7400</i>	420.00	420.00
<i>5320</i>	316.00	316.00	<i>6020</i>	351.00	351.00	<i>6720</i>	386.00	386.00	<i>7420</i>	421.00	421.00
<i>5340</i>	317.00	317.00	<i>6040</i>	352.00	352.00	<i>6740</i>	387.00	387.00	<i>7440</i>	422.00	422.00
<i>5360</i>	318.00	318.00	<i>6060</i>	353.00	353.00	<i>6760</i>	388.00	388.00	<i>7460</i>	423.00	423.00
<i>5380</i>	319.00	319.00	<i>6080</i>	354.00	354.00	<i>6780</i>	389.00	389.00	<i>7480</i>	424.00	424.00
<i>5400</i>	320.00	320.00	<i>6100</i>	355.00	355.00	<i>6800</i>	390.00	390.00	<i>7500</i>	425.00	425.00
<i>5420</i>	321.00	321.00	<i>6120</i>	356.00	356.00	<i>6820</i>	391.00	391.00	<i>7520</i>	426.00	426.00
<i>5440</i>	322.00	322.00	<i>6140</i>	357.00	357.00	<i>6840</i>	392.00	392.00	<i>7540</i>	427.00	427.00

5460	323.00	323.00	6160	358.00	358.00	6860	393.00	393.00	7560	428.00	428.00
5480	324.00	324.00	6180	359.00	359.00	6880	394.00	394.00	7580	429.00	429.00
Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
7600	430.00	430.00	8300	548.00	465.00	9000	590.00	500.00	9700	632.00	535.00
7620	431.00	431.00	8320	549.20	466.00	9020	591.20	501.00	9720	633.20	536.00
7640	432.00	432.00	9340	610.40	517.00	9040	592.40	502.00	9740	634.40	537.00
7660	433.00	433.00	8360	551.60	468.00	9060	593.60	503.00	9760	635.60	538.00
7680	434.00	434.00	8380	552.80	469.00	9080	594.80	504.00	9780	636.80	539.00
7700	435.00	435.00	8400	554.00	470.00	9100	596.00	505.00	9800	638.00	540.00
7720	436.00	436.00	8420	555.20	471.00	9120	597.20	506.00	9820	639.20	541.00
7740	437.00	437.00	8440	556.40	472.00	9140	598.40	507.00	9840	640.40	542.00
7760	438.00	438.00	8450	557.00	472.50	9160	599.60	508.00	9860	641.60	543.00
7780	439.00	439.00	8480	558.80	474.00	9180	600.80	509.00	9880	642.80	544.00
7800	440.00	440.00	8500	560.00	475.00	9200	602.00	510.00	9900	644.00	545.00
7820	441.00	441.00	8520	561.20	476.00	9220	603.20	511.00	9920	645.20	546.00
7840	442.00	442.00	8540	562.40	477.00	9240	604.40	512.00	9940	646.40	547.00
7860	443.00	443.00	8560	563.60	478.00	9260	605.60	513.00	9960	647.60	548.00
7880	444.00	444.00	8580	564.80	479.00	9280	606.80	514.00	9980	648.80	549.00
7900	445.00	445.00	8600	566.00	480.00	9300	608.00	515.00	10000	650.00	550.00
7920	446.00	446.00	8620	567.20	481.00	9320	609.20	516.00	10020	651.20	551.00
7940	447.00	447.00	8640	568.40	482.00	9340	610.40	517.00	10040	652.40	552.00
7960	448.00	448.00	8660	569.60	483.00	9360	611.60	518.00	10060	653.60	553.00
7980	449.00	449.00	8680	570.80	484.00	9380	612.80	519.00	10080	654.80	554.00
8000	450.00	450.00	8700	572.00	485.00	9400	614.00	520.00	10100	656.00	555.00
8020	531.20	451.00	8720	573.20	486.00	9420	615.20	521.00	10120	657.20	556.00
8040	532.40	452.00	8740	574.40	487.00	9440	616.40	522.00	10140	658.40	557.00
8060	533.60	453.00	8760	575.60	488.00	9460	617.60	523.00	10160	659.60	558.00
8080	534.80	454.00	8780	576.80	489.00	9480	618.80	524.00	10180	660.80	559.00
8100	536.00	455.00	8800	578.00	490.00	9500	620.00	525.00	10200	662.00	560.00
8120	537.20	456.00	8820	579.20	491.00	9520	621.20	526.00	10220	663.20	561.00
8140	538.40	457.00	8840	580.40	492.00	9540	622.40	527.00	10240	664.40	562.00
8160	539.60	458.00	8860	581.60	493.00	9560	623.60	528.00	10260	665.60	563.00
8180	540.80	459.00	8880	582.80	494.00	9580	624.80	529.00	10280	666.80	564.00
8200	542.00	460.00	8900	584.00	495.00	9600	626.00	530.00	10300	668.00	565.00
8220	543.20	461.00	8920	585.20	496.00	9620	627.20	531.00	10320	669.20	566.00

8240	544.40	462.00	8940	586.40	497.00	9640	628.40	532.00	10340	670.40	567.00
8260	545.60	463.00	8960	587.60	498.00	9660	629.60	533.00	10360	671.60	568.00
8280	546.80	464.00	8980	588.80	499.00	9680	630.80	534.00	10380	672.80	569.00
Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
10400	674.00	570.00	11100	716.00	605.00	11800	758.00	640.00	12500	925.00	675.00
10420	675.20	571.00	11120	717.20	606.00	11820	759.20	641.00	12520	926.40	676.00
10440	676.40	572.00	11140	718.40	607.00	11840	760.40	642.00	12540	927.80	677.00
10460	677.60	573.00	11160	719.60	608.00	11860	761.60	643.00	12560	929.20	678.00
10480	678.80	574.00	11180	720.80	609.00	11880	762.80	644.00	12580	930.60	679.00
10500	680.00	575.00	11200	722.00	610.00	11900	764.00	645.00	12600	932.00	680.00
10520	681.20	576.00	11220	723.20	611.00	11320	729.20	616.00	12520	926.40	676.00
10540	682.40	577.00	11240	724.40	612.00	11940	766.40	647.00	12640	934.80	682.00
10560	683.60	578.00	11260	725.60	613.00	11960	767.60	648.00	12660	936.20	683.00
10580	684.80	579.00	11280	726.80	614.00	11980	768.80	649.00	12680	937.60	684.00
10600	686.00	580.00	11300	728.00	615.00	12000	770.00	650.00	12700	939.00	685.00
10620	687.20	581.00	11320	729.20	616.00	12020	891.40	651.00	12720	940.40	686.00
10640	688.40	582.00	11340	730.40	617.00	12040	892.80	652.00	12740	941.80	687.00
10660	689.60	583.00	11360	731.60	618.00	12060	894.20	653.00	12760	943.20	688.00
10680	690.80	584.00	11380	732.80	619.00	12080	895.60	654.00	12780	944.60	689.00
10700	692.00	585.00	11400	734.00	620.00	12100	897.00	655.00	12800	946.00	690.00
10720	693.20	586.00	11420	735.20	621.00	12120	898.40	656.00	12820	947.40	691.00
10740	694.40	587.00	11440	736.40	622.00	12140	899.80	657.00	12840	948.80	692.00
10760	695.60	588.00	11460	737.60	623.00	12160	901.20	658.00	12860	950.20	693.00
10780	696.80	589.00	11480	738.80	624.00	12180	902.60	659.00	12880	951.60	694.00
10800	698.00	590.00	11500	740.00	625.00	12200	904.00	660.00	12900	953.00	695.00
10820	699.20	591.00	11520	741.20	626.00	12220	905.40	661.00	12920	954.40	696.00
10840	700.40	592.00	11540	742.40	627.00	12240	906.80	662.00	12940	955.80	697.00
10860	701.60	593.00	11560	743.60	628.00	12260	908.20	663.00	12960	957.20	698.00
10880	702.80	594.00	11580	744.80	629.00	12280	909.60	664.00	12980	958.60	699.00
10900	704.00	595.00	11600	746.00	630.00	12300	911.00	665.00	13000	960.00	700.00
10920	705.20	596.00	11620	747.20	631.00	12320	912.40	666.00	13020	961.40	701.00
10940	706.40	597.00	11640	748.40	632.00	12340	913.80	667.00	13040	962.80	702.00
10960	707.60	598.00	11660	749.60	633.00	12360	915.20	668.00	13060	964.20	703.00
10980	708.80	599.00	11680	750.80	634.00	12380	916.60	669.00	13080	965.60	704.00
11000	710.00	600.00	11700	752.00	635.00	12400	918.00	670.00	13100	967.00	705.00

11020	711.20	601.00	11720	753.20	636.00	12420	919.40	671.00	13120	968.40	706.00
11040	712.40	602.00	11740	754.40	637.00	12440	920.80	672.00	13140	969.80	707.00
11060	713.60	603.00	11760	755.60	638.00	12460	922.20	673.00	13160	971.20	708.00
11080	714.80	604.00	11780	756.80	639.00	12480	923.60	674.00	13180	972.60	709.00
Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
13200	974.00	710.00	13900	1023.00	745.00	14600	1072.00	780.00	15300	1121.00	815.00
13220	975.40	711.00	13920	1024.40	746.00	14620	1073.40	781.00	15320	1122.40	816.00
13240	976.80	712.00	13940	1025.80	747.00	14640	1074.80	782.00	15340	1123.80	817.00
13260	978.20	713.00	13960	1027.20	748.00	14660	1076.20	783.00	15360	1125.20	818.00
13280	979.60	714.00	13980	1028.60	749.00	14680	1077.60	784.00	15380	1126.60	819.00
13300	981.00	715.00	14000	1030.00	750.00	14700	1079.00	785.00	15400	1128.00	820.00
13320	982.40	716.00	14020	1031.40	751.00	14720	1080.40	786.00	15420	1129.40	821.00
12340	913.80	667.00	14040	1032.80	752.00	14740	1081.80	787.00	15440	1130.80	822.00
12260	908.20	663.00	14060	1034.20	753.00	14760	1083.20	788.00	15460	1132.20	823.00
12380	916.60	669.00	14080	1035.60	754.00	14780	1084.60	789.00	15480	1133.60	824.00
13400	988.00	720.00	14100	1037.00	755.00	14800	1086.00	790.00	15500	1135.00	825.00
13420	989.40	721.00	14120	1038.40	756.00	14820	1087.40	791.00	15520	1136.40	826.00
13440	990.80	722.00	14140	1039.80	757.00	14840	1088.80	792.00	15540	1137.80	827.00
13460	992.20	723.00	14160	1041.20	758.00	14860	1090.20	793.00	15560	1139.20	828.00
13480	993.60	724.00	14180	1042.60	759.00	14880	1091.60	794.00	15580	1140.60	829.00
13500	995.00	725.00	14200	1044.00	760.00	14900	1093.00	795.00	15600	1142.00	830.00
13520	996.40	726.00	14220	1045.40	761.00	14920	1094.40	796.00	15620	1143.40	831.00
13540	997.80	727.00	14240	1046.80	762.00	14940	1095.80	797.00	15640	1144.80	832.00
13560	999.20	728.00	14260	1048.20	763.00	14960	1097.20	798.00	15660	1146.20	833.00
13580	1000.60	729.00	14280	1049.60	764.00	14980	1098.60	799.00	15680	1147.60	834.00
13600	1002.00	730.00	14300	1051.00	765.00	15000	1100.00	800.00	15700	1149.00	835.00
13620	1003.40	731.00	14320	1052.40	766.00	15020	1101.40	801.00	15720	1150.40	836.00
13640	1004.80	732.00	14340	1053.80	767.00	15040	1102.80	802.00	15740	1151.80	837.00
13660	1006.20	733.00	14360	1055.20	768.00	15060	1104.20	803.00	15760	1153.20	838.00
13680	1007.60	734.00	14380	1056.60	769.00	15080	1105.60	804.00	15780	1154.60	839.00
13700	1009.00	735.00	14400	1058.00	770.00	15100	1107.00	805.00	15800	1156.00	840.00
13720	1010.40	736.00	14420	1059.40	771.00	15120	1108.40	806.00	15820	1157.40	841.00
13740	1011.80	737.00	14440	1060.80	772.00	15140	1109.80	807.00	15840	1158.80	842.00
13760	1013.20	738.00	14460	1062.20	773.00	15160	1111.20	808.00	15860	1160.20	843.00
13780	1014.60	739.00	14480	1063.60	774.00	15180	1112.60	809.00	15880	1161.60	844.00

13800	1016.00	740.00	14500	1065.00	775.00	15200	1114.00	810.00	15900	1163.00	845.00
13820	1017.40	741.00	14520	1066.40	776.00	15220	1115.40	811.00	15920	1164.40	846.00
13840	1018.80	742.00	14540	1067.80	777.00	15240	1116.80	812.00	15940	1165.80	847.00
13860	1020.20	743.00	14560	1069.20	778.00	15260	1118.20	813.00	15960	1167.20	848.00
13880	1021.60	744.00	14580	1070.60	779.00	15280	1119.60	814.00	15980	1168.60	849.00
Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
16000	1170.00	850.00	16700	1553.00	885.00	17400	1616.00	920.00	18100	1679.00	955.00
16020	1491.80	851.00	16720	1554.80	886.00	17420	1617.80	921.00	18120	1680.80	956.00
16040	1493.60	852.00	16740	1556.60	887.00	17440	1619.60	922.00	18140	1682.60	957.00
16060	1495.40	853.00	16760	1558.40	888.00	17460	1621.40	923.00	18160	1684.40	958.00
16080	1497.20	854.00	16780	1560.20	889.00	17480	1623.20	924.00	18180	1686.20	959.00
16100	1499.00	855.00	16800	1562.00	890.00	17500	1625.00	925.00	18200	1688.00	960.00
16120	1500.80	856.00	16820	1563.80	891.00	17520	1626.80	926.00	18220	1689.80	961.00
16140	1502.60	857.00	16840	1565.60	892.00	17540	1628.60	927.00	18240	1691.60	962.00
16160	1504.40	858.00	16860	1567.40	893.00	17560	1630.40	928.00	18260	1693.40	963.00
16180	1506.20	859.00	16880	1569.20	894.00	17580	1632.20	929.00	18280	1695.20	964.00
16200	1508.00	860.00	16900	1571.00	895.00	17600	1634.00	930.00	18300	1697.00	965.00
16220	1509.80	861.00	16920	1572.80	896.00	17620	1635.80	931.00	18320	1698.80	966.00
16240	1511.60	862.00	16940	1574.60	897.00	17640	1637.60	932.00	18340	1700.60	967.00
16260	1513.40	863.00	16960	1576.40	898.00	17660	1639.40	933.00	18360	1702.40	968.00
16280	1515.20	864.00	16980	1578.20	899.00	17680	1641.20	934.00	18380	1704.20	969.00
16300	1517.00	865.00	17000	1580.00	900.00	17700	1643.00	935.00	18400	1706.00	970.00
16320	1518.80	866.00	17020	1581.80	901.00	17720	1644.80	936.00	18420	1707.80	971.00
16340	1520.60	867.00	17040	1583.60	902.00	17740	1646.60	937.00	18440	1709.60	972.00
16360	1522.40	868.00	17060	1585.40	903.00	17760	1648.40	938.00	18460	1711.40	973.00
16380	1524.20	869.00	17080	1587.20	904.00	17780	1650.20	939.00	18480	1713.20	974.00
16400	1526.00	870.00	17100	1589.00	905.00	17800	1652.00	940.00	18500	1715.00	975.00
16420	1527.80	871.00	17120	1590.80	906.00	17820	1653.80	941.00	18520	1716.80	976.00
16440	1529.60	872.00	17140	1592.60	907.00	17840	1655.60	942.00	18540	1718.60	977.00
16460	1531.40	873.00	17160	1594.40	908.00	17860	1657.40	943.00	18560	1720.40	978.00
16480	1533.20	874.00	17180	1596.20	909.00	17880	1659.20	944.00	18580	1722.20	979.00
16500	1535.00	875.00	17200	1598.00	910.00	17900	1661.00	945.00	18600	1724.00	980.00
16520	1536.80	876.00	17220	1599.80	911.00	17920	1662.80	946.00	18620	1725.80	981.00
16540	1538.60	877.00	17240	1601.60	912.00	17940	1664.60	947.00	18640	1727.60	982.00
16560	1540.40	878.00	17260	1603.40	913.00	17960	1666.40	948.00	18660	1729.40	983.00
16580	1542.20	879.00	17280	1605.20	914.00	17980	1668.20	949.00	18680	1731.20	984.00



16600	1544.00	880.00	17300	1607.00	915.00	18000	1670.00	950.00	18700	1733.00	985.00
16620	1545.80	881.00	17320	1608.80	916.00	18020	1671.80	951.00	18720	1734.80	986.00
16640	1547.60	882.00	17340	1610.60	917.00	18040	1673.60	952.00	18740	1736.60	987.00
16660	1549.40	883.00	17360	1612.40	918.00	18060	1675.40	953.00	18760	1738.40	988.00
16680	1551.20	884.00	17380	1614.20	919.00	18080	1677.20	954.00	18780	1740.20	989.00
Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
18800	1742.00	990.00	19500	1805.00	1025.00	20200	2272.00	1060.00	20900	2349.00	1095.00
18820	1743.80	991.00	19520	1806.80	1026.00	20220	2274.20	1061.00	20920	2351.20	1096.00
18840	1745.60	992.00	19540	1808.60	1027.00	20240	2276.40	1062.00	20940	2353.40	1097.00
18860	1747.40	993.00	19560	1810.40	1028.00	20260	2278.60	1063.00	20960	2355.60	1098.00
18880	1749.20	994.00	19580	1812.20	1029.00	20280	2280.80	1064.00	20980	2357.80	1099.00
18900	1751.00	995.00	19600	1814.00	1030.00	20300	2283.00	1065.00	21000	2360.00	1100.00
18920	1752.80	996.00	19620	1815.80	1031.00	20320	2285.20	1066.00	21020	2362.20	1101.00
18940	1754.60	997.00	19640	1817.60	1032.00	20340	2287.40	1067.00	21040	2364.40	1102.00
18960	1756.40	998.00	19660	1819.40	1033.00	20360	2289.60	1068.00	21060	2366.60	1103.00
18980	1758.20	999.00	19680	1821.20	1034.00	20380	2291.80	1069.00	21080	2368.80	1104.00
19000	1760.00	1000.00	19700	1823.00	1035.00	20400	2294.00	1070.00	21100	2371.00	1105.00
19020	1761.80	1001.00	19720	1824.80	1036.00	20420	2296.20	1071.00	21120	2373.20	1106.00
19040	1763.60	1002.00	19740	1826.60	1037.00	20440	2298.40	1072.00	21140	2375.40	1107.00
19060	1765.40	1003.00	19760	1828.40	1038.00	20460	2300.60	1073.00	21160	2377.60	1108.00
19080	1767.20	1004.00	19780	1830.20	1039.00	20480	2302.80	1074.00	21180	2379.80	1109.00
19100	1769.00	1005.00	19800	1832.00	1040.00	20500	2305.00	1075.00	21200	2382.00	1110.00
19120	1770.80	1006.00	19820	1833.80	1041.00	20520	2307.20	1076.00	21220	2384.20	1111.00
19140	1772.60	1007.00	19840	1835.60	1042.00	20540	2309.40	1077.00	21240	2386.40	1112.00
19160	1774.40	1008.00	19860	1837.40	1043.00	20560	2311.60	1078.00	21260	2388.60	1113.00
19180	1776.20	1009.00	19880	1839.20	1044.00	20580	2313.80	1079.00	21280	2390.80	1114.00
19200	1778.00	1010.00	19900	1841.00	1045.00	20600	2316.00	1080.00	21300	2393.00	1115.00
19220	1779.80	1011.00	19920	1842.80	1046.00	20620	2318.20	1081.00	21320	2395.20	1116.00
19240	1781.60	1012.00	19940	1844.60	1047.00	20640	2320.40	1082.00	21340	2397.40	1117.00
19260	1783.40	1013.00	19960	1846.40	1048.00	20660	2322.60	1083.00	21360	2399.60	1118.00
19280	1785.20	1014.00	19980	1848.20	1049.00	20680	2324.80	1084.00	21380	2401.80	1119.00
19300	1787.00	1015.00	20000	1850.00	1050.00	20700	2327.00	1085.00	21400	2404.00	1120.00
19320	1788.80	1016.00	20020	2252.20	1051.00	20720	2329.20	1086.00	21420	2406.20	1121.00
19340	1790.60	1017.00	20040	2254.40	1052.00	20740	2331.40	1087.00	21440	2408.40	1122.00
19360	1792.40	1018.00	20060	2256.60	1053.00	20760	2333.60	1088.00	21460	2410.60	1123.00

19380	1794.20	1019.00	20080	2258.80	1054.00	20780	2335.80	1089.00	21480	2412.80	1124.00
19400	1796.00	1020.00	20100	2261.00	1055.00	20800	2338.00	1090.00	21500	2415.00	1125.00
19420	1797.80	1021.00	20120	2263.20	1056.00	20820	2340.20	1091.00	21520	2417.20	1126.00
19440	1799.60	1022.00	20140	2265.40	1057.00	20840	2342.40	1092.00	21540	2419.40	1127.00
19460	1801.40	1023.00	20160	2267.60	1058.00	20860	2344.60	1093.00	21560	2421.60	1128.00
19480	1803.20	1024.00	20180	2269.80	1059.00	20880	2346.80	1094.00	21580	2423.80	1129.00
Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
21600	2426.00	1130.00	22300	2503.00	1165.00	23000	2580.00	1200.00	23700	2657.00	1235.00
21620	2428.20	1131.00	22320	2505.20	1166.00	23020	2582.20	1201.00	23720	2659.20	1236.00
21640	2430.40	1132.00	22340	2507.40	1167.00	23040	2584.40	1202.00	23740	2661.40	1237.00
21660	2432.60	1133.00	22360	2509.60	1168.00	23060	2586.60	1203.00	23760	2663.60	1238.00
21680	2434.80	1134.00	22380	2511.80	1169.00	23080	2588.80	1204.00	23780	2665.80	1239.00
21700	2437.00	1135.00	22400	2514.00	1170.00	23100	2591.00	1205.00	23800	2668.00	1240.00
21720	2439.20	1136.00	22420	2516.20	1171.00	23120	2593.20	1206.00	23820	2670.20	1241.00
21740	2441.40	1137.00	22440	2518.40	1172.00	23140	2595.40	1207.00	23840	2672.40	1242.00
21760	2443.60	1138.00	22460	2520.60	1173.00	23160	2597.60	1208.00	23860	2674.60	1243.00
21780	2445.80	1139.00	22480	2522.80	1174.00	23180	2599.80	1209.00	23880	2676.80	1244.00
21800	2448.00	1140.00	22500	2525.00	1175.00	23200	2602.00	1210.00	23900	2679.00	1245.00
21820	2450.20	1141.00	22520	2527.20	1176.00	23220	2604.20	1211.00	23920	2681.20	1246.00
21840	2452.40	1142.00	22540	2529.40	1177.00	23240	2606.40	1212.00	23940	2683.40	1247.00
21860	2454.60	1143.00	22560	2531.60	1178.00	23250	2607.50	1212.50	23960	2685.60	1248.00
21880	2456.80	1144.00	22580	2533.80	1179.00	23280	2610.80	1214.00	23980	2687.80	1249.00
21900	2459.00	1145.00	22600	2536.00	1180.00	23300	2613.00	1215.00	24000	2690.00	1250.00
21320	2395.20	1116.00	22620	2538.20	1181.00	23320	2615.20	1216.00	24020	2692.20	1251.00
21940	2463.40	1147.00	22640	2540.40	1182.00	23340	2617.40	1217.00	24040	2694.40	1252.00
21960	2465.60	1148.00	22660	2542.60	1183.00	23360	2619.60	1218.00	24060	2696.60	1253.00
21980	2467.80	1149.00	22680	2544.80	1184.00	23380	2621.80	1219.00	24080	2698.80	1254.00
22000	2470.00	1150.00	22700	2547.00	1185.00	23400	2624.00	1220.00	24100	2701.00	1255.00
22020	2472.20	1151.00	22720	2549.20	1186.00	23420	2626.20	1221.00	24120	2703.20	1256.00
22040	2474.40	1152.00	22740	2551.40	1187.00	23440	2628.40	1222.00	24140	2705.40	1257.00
22060	2476.60	1153.00	22760	2553.60	1188.00	23460	2630.60	1223.00	24160	2707.60	1258.00
22080	2478.80	1154.00	22780	2555.80	1189.00	23480	2632.80	1224.00	24180	2709.80	1259.00
22100	2481.00	1155.00	22800	2558.00	1190.00	23500	2635.00	1225.00	24200	2712.00	1260.00
22120	2483.20	1156.00	22820	2560.20	1191.00	23520	2637.20	1226.00	24220	2714.20	1261.00
22140	2485.40	1157.00	22840	2562.40	1192.00	23540	2639.40	1227.00	24240	2716.40	1262.00



22160	2487.60	1158.00	22860	8064.60	3693.00	23560	2641.60	1228.00	24260	2718.60	1263.00
22180	2489.80	1159.00	22880	2566.80	1194.00	23580	2643.80	1229.00	24280	2720.80	1264.00
22200	2492.00	1160.00	22900	2569.00	1195.00	23600	2646.00	1230.00	24300	2723.00	1265.00
22220	2494.20	1161.00	22320	2505.20	1166.00	23620	2648.20	1231.00	24320	2725.20	1266.00
22240	2496.40	1162.00	22940	2573.40	1197.00	23640	2650.40	1232.00	24340	2727.40	1267.00
22260	2498.60	1163.00	22960	2575.60	1198.00	23660	2652.60	1233.00	24360	2729.60	1268.00
22280	2500.80	1164.00	22380	2511.80	1169.00	23680	2654.80	1234.00	24380	2731.80	1269.00
Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross	Weight	Each Axle	Gross
24400	2734.00	1270.00	25100	3313.00	1305.00	25800	3404.00	1340.00	26500	3495.00	1375.00
24420	2736.20	1271.00	25120	3315.60	1306.00	25820	3406.60	1341.00	26520	3497.60	1376.00
24440	2738.40	1272.00	25140	3318.20	1307.00	25840	3409.20	1342.00	26540	3500.20	1377.00
24460	2740.60	1273.00	25160	3320.80	1308.00	25860	3411.80	1343.00	26560	3502.80	1378.00
24480	2742.80	1274.00	25180	3323.40	1309.00	25880	3414.40	1344.00	26580	3505.40	1379.00
24500	2745.00	1275.00	25200	3326.00	1310.00	25900	3417.00	1345.00	26600	3508.00	1380.00
24520	2747.20	1276.00	25220	3328.60	1311.00	25920	3419.60	1346.00	26620	3510.60	1381.00
24540	2749.40	1277.00	25240	3331.20	1312.00	25940	3422.20	1347.00	26640	3513.20	1382.00
24560	2751.60	1278.00	25260	3333.80	1313.00	25960	3424.80	1348.00	26660	3515.80	1383.00
24580	2753.80	1279.00	25280	3336.40	1314.00	25980	3427.40	1349.00	26680	3518.40	1384.00
24600	2756.00	1280.00	25300	3339.00	1315.00	26000	3430.00	1350.00	26700	3521.00	1385.00
24620	2758.20	1281.00	25320	3341.60	1316.00	26020	3432.60	1351.00	26720	3523.60	1386.00
24640	2760.40	1282.00	25340	3344.20	1317.00	26040	3435.20	1352.00	26740	3526.20	1387.00
24660	2762.60	1283.00	25360	3346.80	1318.00	26060	3437.80	1353.00	26760	3528.80	1388.00
24680	2764.80	1284.00	25380	3349.40	1319.00	26080	3440.40	1354.00	26780	3531.40	1389.00
24700	2767.00	1285.00	25400	3352.00	1320.00	26100	3443.00	1355.00	26800	3534.00	1390.00
24720	2769.20	1286.00	25420	3354.60	1321.00	26120	3445.60	1356.00	26820	3536.60	1391.00
24740	2771.40	1287.00	25440	3357.20	1322.00	26140	3448.20	1357.00	26840	3539.20	1392.00
24760	2773.60	1288.00	25460	3359.80	1323.00	26160	3450.80	1358.00	26860	3541.80	1393.00
24780	2775.80	1289.00	25480	3362.40	1324.00	26180	3453.40	1359.00	26880	3544.40	1394.00
24800	2778.00	1290.00	25500	3365.00	1325.00	26200	3456.00	1360.00	26900	3547.00	1395.00
24820	2780.20	1291.00	25520	3367.60	1326.00	26220	3458.60	1361.00	26920	3549.60	1396.00
24840	2782.40	1292.00	25540	3370.20	1327.00	26240	3461.20	1362.00	26940	3552.20	1397.00
24860	2784.60	1293.00	25560	3372.80	1328.00	26260	3463.80	1363.00	26960	3554.80	1398.00
24880	2786.80	1294.00	25580	3375.40	1329.00	26280	3466.40	1364.00	26980	3557.40	1399.00
24900	2789.00	1295.00	25600	3378.00	1330.00	26300	3469.00	1365.00	27000	3560.00	1400.00
24920	2791.20	1296.00	25620	3380.60	1331.00	26320	3471.60	1366.00	27020	3562.60	1401.00

24940	2793.40	1297.00	25640	3383.20	1332.00	26340	3474.20	1367.00	27040	3565.20	1402.00
24960	2795.60	1298.00	25660	3385.80	1333.00	25360	3346.80	1318.00	27060	3567.80	1403.00
24980	2797.80	1299.00	25680	3388.40	1334.00	26380	3479.40	1369.00	27080	3570.40	1404.00
25000	2800.00	1300.00	25700	3391.00	1335.00	26400	3482.00	1370.00	27100	3573.00	1405.00
25020	3302.60	1301.00	25720	3393.60	1336.00	26420	3484.60	1371.00	27120	3575.60	1406.00
25040	3305.20	1302.00	25740	3396.20	1337.00	26440	3487.20	1372.00	27140	3578.20	1407.00
25060	3307.80	1303.00	25760	3398.80	1338.00	26460	3489.80	1373.00	27160	3580.80	1408.00
25080	3310.40	1304.00	25780	3401.40	1339.00	26480	3492.40	1374.00	27180	3583.40	1409.00

# Tab 7



*A nonprofit organization improving justice through leadership and service to courts*

Mary Campbell McQueen  
President

**Dan Hall**  
Vice President  
Court Consulting Services Division  
Denver Office

January 30<sup>th</sup>, 2020

Jonathan Mattiello  
Executive Director  
State Justice Institute  
11951 Freedom Drive, Suite 1020  
Reston, Virginia 20190

Dear Jonathan:

The National Center for State Courts is pleased to submit this application on behalf of the Utah Courts to conduct a three- to six-month project to review Utah's ODR tool and explore options for documenting and licensing it to make it available at no cost to other courts. This project falls within the State Justice Institute's Priority Investment Areas – Self-Represented Litigation. The proposed budget is \$185,000.

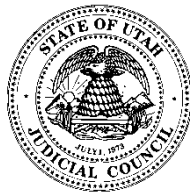
We are grateful to the State Justice Institute for reviewing the grant proposal and are happy to provide any additional information if needed. If you have any questions, please contact me at 303.293.3063 or via email, [lkaversma@ncsc.org](mailto:lkaversma@ncsc.org).

Sincerely,



Laura Klaversma

Enclosures



# **Administrative Office of the Courts**

**Chief Justice Matthew B. Durrant**  
Utah Supreme Court  
Chair, Utah Judicial Council

**Hon. Mary T. Noonan**  
Interim State Court Administrator  
**Catherine J. Dupont**  
Deputy Court Administrator

## **UTAH STATE COURT**

### **ONLINE DISPUTE RESOLUTION (ODR) ASSESSMENT**

#### **STATE JUSTICE INSTITUTE**

#### **STRATEGIC INITIATIVE GRANT**

**JANUARY 2020**

**SUBMITTED BY**

**UTAH STATE COURTS  
ADMINISTRATIVE OFFICE OF THE COURTS  
450 SOUTH STATE STREET  
SALT LAKE CITY, UT 84114-0210**

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## Statement of the Problem

Online Dispute Resolution (ODR) is helping US courts of all sizes make justice processes more accessible, reducing the timeline for case resolution, decreasing some forms of implicit bias, and saving clerk and judicial time on some case types, freeing up judicial resources to focus on more complex matters. “Off-the-shelf” ODR products either have up-front costs or per-case ongoing fees that some courts cannot afford or that would ultimately be passed along to the user, creating a greater burden on parties. Acquiring and adapting code developed by another court can make it possible for some courts to implement an ODR solution with features and capabilities beyond their budget.

Federal source code policy encourages agencies to achieve “greater efficiency, transparency, and innovation through reusable and open source software.”<sup>1</sup> This policy, applicable to federal agencies, lays out a vision that can benefit state and local agencies, as well. In the spirit of efficiency and collaboration, Utah Courts would like to make an in-house developed ODR product available for other courts to use and modify. Before doing so, the code should be reviewed for quality and issues of governance and licensing must be addressed.

## Who is involved

This work would be undertaken by partnership between the National Center for State Courts (NCSC) and the Utah Courts. NCSC has a demonstrated history of technical expertise in the courts and is a trusted advisor to court systems throughout the US including Utah. Utah Courts continue to demonstrate visionary leadership in applying technology to court processes and are a nationally recognized leader in the court community.

### Utah Administrative Office of the Courts

Justice Deno Himonas, Utah Supreme Court  
 Judge Brendan McCullagh, West Valley Justice Court  
 Brody Arishita, IT Department  
 Heidi Anderson, IT Department  
 Kimberlee Zimmerman, West Valley Justice Court

### National Center for State Courts

Barb Holmes and Paul Embley

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<sup>1</sup> Federal Source Code Policy, Memorandum for the Heads of Departments and Agencies, M-16-21.  
<https://sourcecode.cio.gov/>



## Grant Structure

SJI will make the grant directly to Utah Courts. Utah will subcontract with NCSC as described below. Utah will seek matching funds grant from Pew Foundation to assist with the total cost outlined below.

## Utah ODR

The Utah State Courts (Utah) have developed an Online Dispute Resolution (ODR) tool for small claims cases in Utah. Unlike other ODR tools, this tool was developed in-house by IT staff at the Utah courts. This approach allows Utah to scale their implementation to other jurisdictions and case types without additional development costs. Utah can also modify and improve the tool at their discretion and not be limited by vendor development timelines and priorities.

The Utah ODR tool is notably user-friendly and designed particularly to support the needs of self-representative litigants. It is currently undergoing user experience testing from the University of Arizona supported by The Pew Charitable Trusts which will only further improve the tool. Starting in late 2020, Utah would like to be able to share their ODR tool with other states. Before they do so, there are some key steps to be completed to make the tool ready for sharing. These key steps are highlighted below.

## Work to be Performed

Before the Utah ODR tool can be shared with other jurisdictions, these key tasks must be addressed:

- Code review
- Documentation enhancement
- Intellectual property and governance
- RFI development to identify other states with interest in implementing Utah's code

### Code Review

There are two types of code review to be performed:

- Assessment of the code for ease of adoption by other jurisdictions
- Cyber security assessment

### Adoption Assessment

To ensure the Utah ODR tool is ready for adoption by another court system, the 300,000 lines of code that make up the tool should be reviewed by software developers with an understanding of courts. This review would analyze the ease of implementation for another jurisdiction and would provide recommendations to the Utah courts about possible changes that should be made to the

code to facilitate implementation. Utah courts could then choose which recommendations to implement.

Who - This work would be undertaken by partnership between the National Center for State Courts (NCSC) and the Utah Courts. NCSC has a demonstrated history of technical expertise in the courts and is a trusted advisor to court systems throughout the US including Utah.

Time - This work could take up to approximately three months to complete with two months for NCSC to analyze and create recommendations and one month for Utah to implement.

Cost -This work should be priced in hours from NCSC and Utah, estimated for no more than \$25,000.

### *Deliverables*

1. NCSC technical staff will review the Utah code and assess ease of adoption for future jurisdictions
2. After completing review, NCSC will submit a draft report to Utah; report will include recommendations for improvements to improve possible adoption by future states.
3. NCSC staff will be available to advise Utah on implementing recommendations in draft report
4. Utah will choose which recommendations from NCSC to implement and will use staff to implement.

### *Security Assessment*

The code should also be assessed by an organization with specific cybersecurity expertise. This security assessment would include a line-by-line code review as well as data privacy assessments and would include recommendations for remediating any findings from the review. Following the review, Utah courts could choose which recommendations to implement. This review is critical to demonstrate to the people of Utah and possible interested jurisdictions that they are working with a tool that is handling their personal data to the best industry standards.

Who – Utah will manage an RFP process to select a cybersecurity vendor. Once a vendor is selected and the code reviewed, Utah will implement recommendations for improvements from vendor.

Time - This work would take approximately three months to complete after contract signing with two months for analysis and recommendations from the security firm and one month for Utah to implement.



Cost - This work would include a contract to a security assessment firm (approximately \$50,000-\$60,000) and Utah staff time to implement recommendations based on hours.

### *Deliverables*

1. Utah will contract with a vendor to provide a cyber security assessment and privacy review for the ODR tool.
  - a. Assessment will include but is not limited to code review (approximately 300,000 lines), up-to-date patch review, password and encryption review, and other assessments deemed necessary by the vendor and Utah.
  - b. Vendor will provide a report of recommendations for Utah to implement ordered by severity of findings.
2. Utah will use staff time to implement recommendations from the assessment

### Documentation Enhancements

Documentation of the Utah ODR tool is critical to facilitate on-boarding any other states. Not only do the technical pieces of the project need to be documented for developers but guides for users and court staff must also be developed. All documentation will require a plain-language technical writing expert who can distill complex procedural steps and technical information into easy-to-understand, actionable information. Documentation is not just limited to written documentation but may include flow charts and videos especially for user facing documentation.

Who - This work would be performed by Utah in partnership with NCSC and possibly an outside technical writer. Utah would be responsible for managing the documentation process and revising any documents received from the technical writer and/or NCSC.

Time - This work could take up to six months to complete. Guides to be written include technical guides for developers and future implementers, court staff guides, and possibly additional user guides which may come in the form of more videos or other media if necessary.

Cost - This work should be priced in hours by Utah and NCSC. Estimated for not more than \$40,000

### **Deliverables**

1. Utah and NCSC will work together to highlight possible areas of enhancement for documentation
2. Utah works with partners to assign work
3. Utah contracts with NCSC for specific pieces of documentation
4. Utah contracts with outside vendors if needed

## Intellectual Property

To protect the investment in IP made by the Utah courts, outside counsel with IP expertise should be retained to assist the court in developing appropriate licensing and governance structures to protect the IP of the ODR tool. Utah does not want to simply open source this tool as it would allow vendors to take their code base and profit from their work. Instead, Utah would like to establish a license that allows for governments to be able to implement the code base while controlling use by for-profits entities.

To determine the scope of the governance, Utah will convene a one-day meeting with relevant stakeholders from Utah and NCSC as well as possible outside organizations to assist Utah in determining what governance and licensing structure should be implemented. Attorneys who will write the license and governance should attend this meeting as well.

Who - This work should be performed by IP lawyers versed in government technology. The lawyers should work with Utah to ensure the goals of the court are met by the licensing and governance that will be setup. Lessons should also be drawn from similar government licensing structures like those utilized by 18F, GSA, and others.

Time - This work could take three to six months to complete and should be managed by the Utah courts to ensure their needs are fulfilled.

Cost - Priced by contract to law firm and hours for Utah staff. Estimated for not more than \$50,000. Travel budget for non-Utah based people/organizations will be covered in grant agreement.

### *Deliverables*

1. Utah will host a convening in Salt Lake City in partnership with NCSC.
2. Utah will use this convening to determine the tool's license and governance structure.
3. Attorneys contracted to Utah will deliver a license and a governance structure meeting Utah's goals.

## RFI Development

While the Utah ODR tool is being enhanced prior to deployment in future states, a request for information should go out to all courts interested in adopting the Utah ODR tool. This RFI should be designed to assess the technical capacity of the requesting jurisdictions to make sure that not only are they interested in adopting the tool, but also that they have the technical capabilities to adopt and implement it successfully.



Who - This work should be performed collaboratively between Utah and NCSC. NCSC will facilitate distribution of the RFI to courts they think would be interested in applying. Utah and NCSC could then review RFI responses and identify states likely to adopt the tool going forward. This would help prioritize the technical assistance that could be provided by the partner organizations to the new jurisdiction.

Time - This work should take approximately three months to complete with one month to create the RFI, one month to release the RFI, and one month to review and prioritize responses to the RFI.

Cost – Estimated for not more than \$10,000.

#### *Deliverables*

Utah and NCSC will work together to develop an RFI.

NCSC will release RFI to networks of courts of their choosing who may be a good fit to respond to the RFI.

Utah and NCSC will review responses to RFI to assist in determining organizations who might be ready to adopt Utah ODR and who may or may not require additional technical assistance from NCSC.

### **Budget**

The total cost of the project will be a firm fixed price of \$185,000. The Utah State Court is requesting up to \$185,000 in SJI funds. A line item budget (Form C) and budget narrative are attached, as well as a letter from the NCSC affirming its participation.

We are grateful to the State Justice Institute for reviewing this Grant Proposal and are happy to provide any additional information if needed. If you have any questions about our proposal, please contact Heidi Anderson, Chief Information Officer, Utah State Courts, at 801-578-3872.

Thank you for the opportunity to request this grant.

Sincerely,



Heidi Anderson

Chief Information Officer, Utah State Courts

Form A 12/11

## STATE JUSTICE INSTITUTE

Certificate of State ApprovalThe Utah Administrative Office of the Courts

Name of State Supreme Court or Designated Agency or Council

has reviewed the application entitled ONLINE DISPUTE RESOLUTION (ODR) ASSESSMENTprepared by Heidi Anderson

Name of Applicant

approves its submission to the State Justice Institute, and

☒

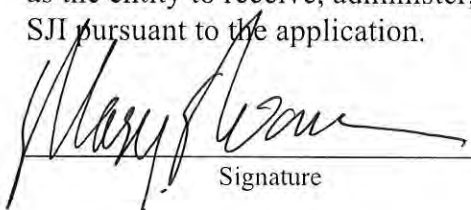
agrees to receive and administer and be accountable for all funds awarded by SJI pursuant to the application;

☐herby requests consideration of a reduction in cash match as requested by the applicant (**NOTE: only applicable to Project Grant applications**);☐

designates \_\_\_\_\_

Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by SJI pursuant to the application.


  
Signature
January 30, 2020

Date

Judge Mary T. Noonan

Name

Utah State Court Administrator

Title

# STATE JUSTICE INSTITUTE

## PROJECT BUDGET

(TABULAR FORMAT)

**Applicant:** Utah State Courts

**Project Title:** Online Dispute Resolution Assessment

**For Project Activity from** 04/30/2020 **to** 10/30/2021

**Total Amount Requested for Project from SJI \$** 185,000.00

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel							0.00
Fringe Benefits							0.00
Consultant / Contractual	170,000.00						170,000.00
Travel	15,000.00						15,000.00
Equipment							0.00
Supplies							0.00
Telephone							0.00
Postage							0.00
Printing / Photocopying							0.00
Audit							0.00
Other (specify)							0.00
<b>Subtotal, Direct Costs</b>	<b>185,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>185,000.00</b>
<b>Indirect Costs</b>							0.00
<b>Grand Total</b>	<b>185,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>185,000.00</b>

**Remarks:**



## BUDGET NARRATIVE

### Utah State Courts

### Online Dispute Resolution (ODR) Assessment

## OVERALL BUDGET

The total cost of the project is a firm fixed price of \$185,000. The Utah State Court is requesting up to \$185,000 in SJI funds. Utah will seek matching funds from the Pew Foundation to assist with this total cost.

The budget is based on the following:

Total Budget:	\$185,000
SJI Request:	\$185,000

Consulting Personnel Costs:	\$170,000
Travel:	\$15,000

Code Review	\$25,000
Security Review	\$60,000
Enhance Documentation	\$40,000
Intellectual Property	\$50,000
RFI Development	\$10,000

Travel:

Site Visits      Estimated up to 15 total trips, with an average of 3 days/2 nights.

\*Note: Travel expenses include airfare, hotel, per diem, and ground transportation and are based on the National Center for State Courts policy that utilizes federal policies as guidelines. The travel days include travel time.



# Tab 8



# Judicial Council Grant Application Proposal

## Code of Judicial Administration 3-411

### NON-FEDERAL GRANTS

Contact Person/Phone: Larissa Lee, (801) 578-3834 Date: 02/04/2020

Judicial District or Location: Third Judicial District / Appellate Courts

Piloting Utah's Legal Services Oversight Office  
Grant Title and Regulatory Sandbox Grantor: State Justice Institute

Grant type (check one): ☒ New ☐ Renewal ☐ Revision

Grant Level (check one): ☐ Low ☒ Med. ☐ High.  
\$10,000 to \$50,001 \$50,000 to \$1,000,000 Over \$1,000,000

Issues to be addressed by the Project: The access-to-justice gap; services for self-represented litigants

Explanation of how the grant funds will contribute toward resolving the issues identified: The Legal Services Oversight Office and Regulatory Sandbox will ease certain restrictions on the practice of law in a safe and controlled environment to allow legal service providers to experiment with new, innovative, and cost-effective legal services.

Fill in the chart(s) for estimated state fiscal year expenditures for up to three years:

#### Total Funding Sources

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)					
			MATCHING STATE DOLLARS					
			General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
<b>CASH MATCH</b>								
State Fiscal Year	Grant Amount	Other Matching Funds from Non-State Entities						
FY 2021	\$107,214	\$100,000						\$207,214
FY 2022	\$92,786							\$92,786
FY								\$0

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)					
			MATCHING STATE DOLLARS					
			General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
<b>IN-KIND MATCH</b>								
State Fiscal Year	Grant Amount	Other Matching Funds from Non-State Entities						
FY 2021	\$107,214	\$100,000				Staff Time		\$207,214
FY 2022	\$92,786							\$92,786
FY								\$0

Comments: The Court will receive approximately \$100,000 in in-kind staff assistance from the National Center for State Courts and the Institute for the Advancement of the American Legal System. Larissa Lee, the Appellate Court Administrator, will devote approximately \$25,000 of her salary time to this project, but this contribution is not separately quantified in the grant application.

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced? Yes ☐ No ☒ If yes, explain:

Will the funds to continue this program come from within your exiting budget: Yes ☐ No ☒ N/A ☐

How many additional permanent FTEs are required for the grant? 0 Temp FTEs: 0

This proposal has been reviewed and approved by the following:

**N/A\*** The court executives and judges in the affected district(s).

**X** The Grant Coordinator and the Budget Manager at the Administrative Office of the Courts.

**N/A\*** The affected Board(s) of Judges.

\* Per Brent Johnson, there are no courts or Boards of Judges affected by this grant.

Approved by the Judicial Council \_\_\_\_\_ by \_\_\_\_\_  
Date Court Administrator

Copy forwarded to Legislative Fiscal Analyst \_\_\_\_\_  
date



Larissa Lee  
Appellate Court Administrator

Nicole J. Gray  
Clerk of Court

**Supreme Court of Utah**  
450 South State Street  
P.O. Box 140210  
Salt Lake City, Utah 84114-0210

Appellate Clerks' Office  
Telephone 801-578-3900  
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Justice

State Justice Institute  
Attn: Jonathan D. Mattiello  
11951 Freedom Dr., Suite 1029  
Reston, VA 20190

January 28, 2020

***Re: Strategic Initiatives Grant for Piloting Utah's Legal Services Oversight Office  
and Regulatory Sandbox***

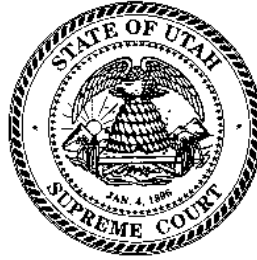
Dear Mr. Mattiello,

Enclosed is a proposal respectfully requesting SJI's support with piloting Utah's new Legal Services Oversight Office and Regulatory Sandbox. Please feel free to contact me if you have any questions or need any additional information.

Sincerely,

Larissa Lee  
Utah Appellate Court Administrator

Enclosures



## **Grant Proposal:**

### **Piloting Utah’s Legal Service Oversight Office and Regulatory Sandbox**

#### **Project Abstract**

The Utah Supreme Court respectfully requests support for its effort to pilot a “regulatory sandbox” for legal services. This sandbox is an innovative policy tool that will allow new players in the legal market to test cutting-edge products and services in a safe and controlled environment, with the ultimate goal of leveraging new technologies and business models to increase access to justice. The Court is also creating a new regulatory entity – the Legal Service Provider Oversight Office – to oversee the sandbox and ensure the project’s success.

As it pilots this new regulatory approach, the Court specifically requests support from the State Justice Institute for the following four tasks: 1) standing up the sandbox and Oversight Office, 2) evaluating which service providers it should allow into the sandbox, 3) evaluating the performance of sandbox participants, and 4) measuring the sandbox’s impact on Utah’s legal market. As a pilot project, the Court envisions that this first iteration of the sandbox will run for at least two years, and seeks SJI’s assistance for the first eighteen months. With SJI’s help, the Court believes this new regulatory strategy will make significant progress toward closing the access-to-justice gap in Utah and serve as a model of reform for other states.

#### **Project Narrative**

##### **Introduction**

The United States currently is in the midst of a well-documented “access-to-justice” crisis. In 2019, America’s civil justice system was tied for 99<sup>th</sup> out of 126 countries in terms of access and affordability,<sup>1</sup> down from 65<sup>th</sup> out of 102 countries in 2015,<sup>2</sup> and 94<sup>th</sup> out of 112

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<sup>1</sup> WORLD JUSTICE PROJECT, *Rule of Law Index 2019*, [https://worldjusticeproject.org/sites/default/files/documents/WJP\\_RuleofLawIndex\\_2019\\_Website\\_reduced.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP_RuleofLawIndex_2019_Website_reduced.pdf) (last visited Aug. 12, 2019).

<sup>2</sup> WORLD JUSTICE PROJECT, *Rule of Law Index 2015*, [https://worldjusticeproject.org/sites/default/files/documents/roli\\_2015\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/roli_2015_0.pdf) (last visited Aug. 12, 2019).

countries in 2016, 2017, and 2018.<sup>3</sup> Many Americans must “go it alone without legal representation in disputes where they risk losing their job, their livelihood, their home, or children, or seek a restraining order against an abuser.”<sup>4</sup> Data from Utah’s third judicial district suggest that Utah’s courts track this national pattern. In 2018, at least one party was unrepresented throughout the entirety of their lawsuit in 93% of all civil and family law disputes.<sup>5</sup>

To address this crisis, the Utah Supreme Court formed a task force to explore optimizing the regulatory structure for the practice of law. As part of its mandate, the task force studied the possibility of loosening certain regulations to allow for new, innovative, and cost-effective legal services. And in August 2019, the task force ultimately proposed creating a new regulatory entity for legal services in Utah – the Legal Service Provider Oversight Office – and directing it to run a “regulatory sandbox” to pilot innovate new offerings. Now the Court has formed a plan to launch these efforts in June 2020, and respectfully requests help from the State Justice Institute with financing the infrastructure and staff necessary to operate this potentially game-changing regulatory strategy.

### **Program Objective**

The objective of this program is to launch a new regulatory entity, the Legal Service Provider Oversight Office, which will meaningfully address the access-to-justice crisis, primarily through the operation of a regulatory sandbox that allows providers to experiment with innovative legal services in a safe and controlled environment.

### **Program Areas Covered**

The Utah Supreme Court makes this request under the **Strategic Initiative** category for the priority investment areas of Self-Represented Litigation and State Court Reengineering.

**Self-represented litigants:** This project will benefit self-represented litigants by experimenting with potentially innovative and cost-effective new legal services. A 2015 study by the National Center for State Courts (NCSC) examined the non-domestic civil caseloads in 152 courts in 10 urban counties and found that at least one party was self-represented in 76% of all

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<sup>3</sup> WORLD JUSTICE PROJECT, *Rule of Law Index 2016*, [https://worldjusticeproject.org/sites/default/files/documents/RoLI\\_Final-Digital\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/RoLI_Final-Digital_0.pdf) (last visited Aug. 12, 2019); WORLD JUSTICE PROJECT, *Rule of Law Index 2017–2018*, [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf) (last visited Aug. 12, 2019).

<sup>4</sup> LEGAL SERVICES CORPORATION, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> (last visited Aug. 12, 2019).

<sup>5</sup> For purposes of this statistic, the third judicial district includes all adult courts, including justice courts, in Salt Lake, Summit, and Tooele Counties.



cases.<sup>6</sup> And internal data from Utah’s third judicial district shows that, in 2018, at least one party was unrepresented throughout the entirety of their lawsuit in 93% of all civil and family law disputes. The goal of the proposed regulatory sandbox is to facilitate a market for the unmet legal needs of this extraordinary number of self-represented litigants.

This project will also contribute to SJI’s state court reengineering efforts by helping the Utah Supreme Court increase access to justice. NCSC’s 2018 State of the State Courts-Survey found that a “broad majority (59%)” of respondents believed “state courts are not doing enough to empower regular people to navigate the court system without an attorney,” while only “a third (33%) believe courts are providing the information to do so.”<sup>7</sup> The Utah Supreme Court is attempting to address these concerns by reengineering legal regulation to encourage the development of flexible and low-cost services. The goal of this reengineering effort is to empower unrepresented litigants and reduce the number of cases resolved by default or by failure to comply with required court processes.

### **Need for Funding**

One driving force behind the access-to-justice crisis is how states currently regulate the practice of law. Outmoded regulations severely constrain courts, nonprofits, and for-profit organizations from innovating in ways that would significantly increase both the availability and affordability of legal services and correspondingly level both the in-court and out-of-court legal playing fields and simultaneously reduce demands on the courts. Even lawyers, who have a monopoly on legal-service delivery, face numerous advertising, marketing, ethical conduct codes, training requirements, ownership restrictions, and other rules that keep them from testing innovations that might provide significant access-to-justice benefits. Beyond this restrictiveness, the current regulatory approach relies heavily on conceptual harms to consumers that have not been empirically verified.

These regulations no longer make sense in an age where disruptive technological innovation happens constantly. The precipitous rise in self-represented litigants and the unaffordability of lawyers has driven a new market for groundbreaking, cost-effective legal services. And the potential access-to-justice benefits from these new services are significant. If providers can serve litigants and those with potential legal problems in more cost-effective ways, true access to justice becomes possible for millions who currently receive no help.

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<sup>6</sup> Civil Justice Initiative, *The Landscape of Civil Litigation in State Courts*, NAT’L CENTER FOR STATE COURTS, <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx> (last visited Aug. 12, 2019).

<sup>7</sup> Memorandum from GBA Strategies to NCSC, 5 (Dec. 3, 2018), [https://www.ncsc.org/~media/Files/PDF/Topics/Public%20Trust%20and%20Confidence/SoSC\\_2018\\_Survey\\_Analysis.ashx](https://www.ncsc.org/~media/Files/PDF/Topics/Public%20Trust%20and%20Confidence/SoSC_2018_Survey_Analysis.ashx) (last visited Jan. 16, 2020).

With this opportunity in mind, Utah has undertaken significant regulatory reform in its legal-services industry. At the heart of this reform is a cutting-edge policy tool known as a “regulatory sandbox,” which will allow new players in the legal market to test new products and services while ensuring they are consistent, cost-effective, and safe. And to ensure its success, the Court has established a new regulatory entity to run the sandbox – the Legal Service Provider Oversight Office – which will, at least during the pilot period,<sup>8</sup> function alongside the Utah State Bar as a regulator of the practice of law in Utah.

Unfortunately, the Utah Supreme Court cannot fund this effort on its own. Although the Court expects the new Oversight Office to eventually have an operating budget made up of fees paid by sandbox participants and others, it requests funding from SJI to finance a discrete set of start-up costs during the Office’s first eighteen months of operation.

### **Tasks, Methods, and Evaluations**

Launching the proposed regulatory sandbox involves four tasks: 1) standing up the sandbox, 2) processing the sandbox applicants, 3) assessing the sandbox participants, and 4) assessing the sandbox itself. A special Implementation Task Force, comprised of leaders from Utah’s legal community and national experts in the access-to-justice field, will oversee each of these tasks. And in keeping with the innovative spirit driving this regulatory-test effort, the sandbox and the Oversight Office itself will be entirely virtual, existing primarily through a website ([www.sandbox.utcourts.gov](http://www.sandbox.utcourts.gov)), a part-time staff working remotely, and a volunteer Oversight Board that meets on a regular basis at the Administrative Office of the Utah Courts.<sup>9</sup>

#### ***Task 1 – Stand Up the Regulatory Sandbox***

**June – July 2020**

Standing up the sandbox requires accomplishing three objectives: 1) expanding the sandbox website, 2) building a case-management system, and 3) staffing the Oversight Office with three part-time, contract positions: an economist, a data-analyst, and a project manager. The Court envisions meeting these objectives between June and July 2020.

#### **Website and Case-Management System**

Given its virtual character, it is critical that the Court expand the Oversight Office’s existing website and establish a case-management system to maintain information about sandbox participants and program data. The first step is expanding the Oversight Office’s website, which will serve as the primary interface for legal service providers to submit sandbox applications and

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<sup>8</sup> The specific design and business processes of this new regulatory entity are ultimately subject to the evaluation of this pilot period.

<sup>9</sup> The Court notes, of course, that the launch of the sandbox and Oversight Office is still subject to final approval under the Court’s formal rule-promulgation process. Through spring and early summer of 2020, the Court will promulgate a set of rules and a Standing Order that will govern the sandbox and Oversight Office, and solicit public comment on the Order. Following the comment period, the Court will take a final vote to formally establish the sandbox and Oversight Office along the parameters set forth in the Order.

for those accepted into the sandbox to submit quarterly data reports. Building out this interface requires revamping the existing website so it can:

- Receive, store, and track documents uploaded by sandbox participants (including solicitations from applicants)
- Receive, store, and retrieve participant data, and track the status of internal process steps for applicants and participants
- Support communication with participants via website forms, email, and text
- Receive, process, and track participant fees and fines
- If enough funding is available, carry out consumer surveys and receive, store, and track consumer complaints

Along with this expanded website, standing up the sandbox also requires a case-management system to store and analyze participant data. Tracking, storing, and assessing this participant data is critical, as it will provide the basis for the Oversight Office to evaluate and report on the sandbox's progress to the Court and the public. A successful case-management system requires the ability to:

- Store data gathered from sandbox participants
- Generate reports on data gathered from participants and on the market as a whole
- Access data remotely to ensure the Oversight Office can remain virtual
- Secure all data held by the Oversight Office

If funded, the Task Force will hire contractors to build out this website and case-management infrastructure. The Court anticipates that these contractors will include a Web Developer to expand the website, a Programmer to create the case-management system, and a Business Analyst / Project Manager to oversee development and document business processes. The Court will also leverage its existing IT resources – such as its contracts with Google for email and productivity tools, and Amazon for web hosting services – to keep the costs of this build-out as low as possible.

#### Initial Oversight Office Positions

The Court also requests funding for three contract positions: an economist, a data analyst, and a business analyst / project manager, all of whom will be hired on a part-time basis. During the first portion of the stand-up phase, through December 2020, the business of the Oversight Office will be conducted by these three positions, with assistance from Task Force members Lucy Ricca (courtesy of an in-kind contribution of up to \$50,000 from the Institute for the Advancement of the American Legal System) and Tom Clarke (courtesy of a \$50,000 in-kind contribution from the National Center for State Courts). After that first portion, there may be some adjustments to this staffing model. The Court also envisions that members of the Administrative Office of the Utah Courts, chiefly Larissa Lee, Appellate Court Administrator,

will continue to be involved with and provide significant support to the Task Force. And while we have not separately quantified this contribution, we anticipate it will exceed \$25,000 dollars.

Once the website and case-management system are complete, this launch-group, along with the Oversight Board, will begin soliciting and accepting sandbox applications (subject to final approval by the Court). As service providers operate in the sandbox, this launch-group will collect and analyze data to provide an ongoing assessment of consumer harms and benefits. This assessment will proceed under the supervision of the Oversight Board and the Court.

This stand-up phase will last approximately eighteen months, after which this initial staffing model will transition to a new model comprised of an Oversight Office Director (appointed by the Oversight Board with final approval by the Court), a contract economist, and a contract data analyst. Importantly, SJI funds will only be used to fund contract positions during the stand-up phase. After the first eighteen months, and prior to the expiration of the pilot phase, the project will need to be self-sustaining or obtain funds from alternative sources. Thereafter, the operating budget must be made up of fees paid by sandbox participants and others.

#### ***Task 2 – Process Sandbox Applicants***

**June 2020 – November 2021**

After standing up the sandbox, the Oversight Office will begin processing sandbox applicants. During this period, the launch-group staff and Oversight Board will solicit applicants for the sandbox, assess each application, and either accept a pilot phase or reject the applicant. Processing sandbox applicants will proceed in three steps:

- 1. The Oversight Office calls for applications.** This call will clearly identify the types of innovations the Court will accept into the sandbox, which regulations it will relax or remove, the data and evaluation metrics participants must prepare, and the safeguards against regulation and enforcement that participants will receive.
- 2. Service providers submit applications.** Applicants must detail exactly what their new offering is, how it will benefit the public, what risks or harms they expect might arise, how they will deploy it, and which regulations must be relaxed to allow their offering.
- 3. The Oversight Office invites promising applications into the sandbox.** After receiving applications, the Oversight Office and Board will review proposals and, with final approval from the Court, accept those that demonstrate an innovative new offering, a strong assessment plan, and a strong potential for public benefit. The Oversight Office and Court will then invite and work with approved participants to establish protocols for data-sharing, auditing, and evaluation. Participants who agree to these terms will receive a non-enforcement guarantee allowing them to deliver their proposed offering without running afoul of existing regulations. It is anticipated that participants will also pay a fee for their participation, which will form a portion of all the bases of the Office's operating budget after the eighteen-month launch period.

During this step, the economist and data analyst will analyze sandbox applications for potential risks and benefits to consumers. After concluding this analysis, they will issue recommendations to the Oversight Board on whether to accept or reject each applicant. Throughout this process, the project manager will coordinate the review of applications and manage communications between the staff, the Oversight Board, and the Court.

***Task 3 – Assess Sandbox Participants***

**June 2020 – November 2021**

After accepting participants, the Court envisions running the proposed sandbox for at least two years, with SJI funding being sought for the first eighteen months. During this time, participants must submit quarterly reports, which the data analyst and economist will use to conduct ongoing evaluations on the risks and benefits to consumers of each offering. The project manager will coordinate this process by monitoring the website and database for quarterly reports, consumer feedback, and consumer complaints, and will manage communications with the staff, the Oversight Board, and the Court. This assessment period will proceed in two steps:

- 1. Sandbox runs and rolling evaluation beings.** During this time, participants will develop their offerings, put them on the market, and collect data on their performance. Participants must conspicuously disclose their involvement in the sandbox and refer consumers to the Oversight Office for feedback and complaints. The Office will observe participants' performance to see if the public uses the proposed offerings, if the offerings benefit the public, and if any expected or unexpected harms result. The Office can suspend a participant's non-enforcement guarantee if it fails to perform according to its agreement or its offerings result in harms above what the entity deems acceptable.
- 2. Sandbox ends and company and Office (potentially) continue on.** At the end of the two-year sandbox period, the Oversight Office will allow participants to continue with their approved offerings (subject to Supreme Court approval) with the non-enforcement guarantee still intact. The Office will also use participants' offerings and data to decide if it should 1) call for another round of applications or 2) permanently relax or change certain regulations.

***Task 4 – Assess Sandbox Pilot***

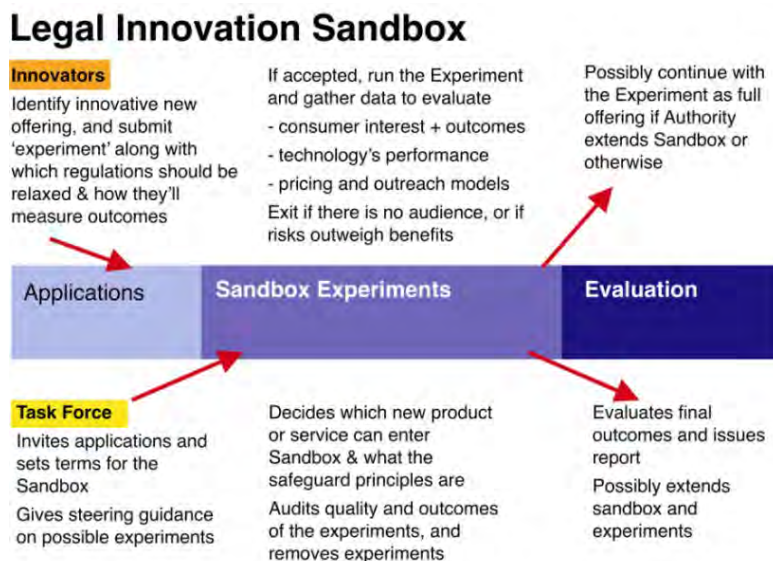
**November – December 2021**

In the final months of the grant period, the Oversight Office will conduct an internal assessment of the sandbox and report the results back to the Oversight Board and the Court. The Court and Oversight Board will then determine whether the pilot period has been a success and what they should do in response. If the Court deems the sandbox successful, it will decide whether to engage in another round of applications and whether to permanently ease or eliminate certain regulations. The Court also envisions conducting an independent audit of the sandbox's performance, which would occur outside of SJI-funded activity.

During this task, the data analyst and economist will evaluate the sandbox for:

- Its effect on the overall competitiveness of the legal-services market
- Its impact on access to justice and innovation in legal services
- The type and affordability of new legal services, and whether those services are reaching underserved populations

Overall, the tasks required to implement the sandbox can be summarized as follows:



## **Project Management**

To accomplish the tasks identified above, the Utah Supreme Court has established an Implementation Task Force, which is ultimately responsible for managing the launch of the Oversight Office and accompanying sandbox. This task force is comprised of leaders in Utah's legal community and several national experts in the regulatory and access-to-justice fields. All task force members serve on a volunteer basis, except for Lucy Ricca and Tom Clarke, whose participation is provided through an in-kind donation of staff time from IAALS and NCSC.

### ***Task Force Leadership***

#### **Justice Deno Himonas (Co-Chair)**

Justice Himonas was appointed to the Utah Supreme Court in 2015. For the decade prior, he served as a district judge, where he tried hundreds of criminal, civil, and family law cases and ran a felony drug court. He is deeply involved in the access-to-justice movement and can often be found speaking about access-to-justice around the country. In addition to co-chairing the Implementation Task Force, he also chairs the Utah Supreme Court's task forces on licensed paralegal practitioners and online dispute resolution.

#### **John Lund (Co-Chair)**

John Lund is a shareholder with the Salt Lake City law firm of Parsons Behle & Latimer and immediate past president of the Utah State Bar. Mr. Lund has been involved in leadership of the Utah Bar for over a decade, including by co-chairing the Utah Bar's 2015 Futures Commission, and the Utah Supreme Court's task forces on licensed paralegal practitioners and attorney-discipline reform. He was also instrumental in establishing Utah's newly formed Access to Justice Commission.

### ***Task Force Membership***

#### **Tom Clarke, National Center for State Courts**

Tom Clarke has served for fourteen years as the Vice President for Research and Technology at the National Center for State Courts. Before that, Tom worked for ten years with the Washington State Administrative Office of the Courts as the research manager and then as CIO. He has consulted frequently on topics relating to the redesign of court systems, access to justice strategies, and program evaluation approaches.

#### **Lucy Ricca**

Lucy is a Fellow and former Executive Director of the Stanford Center on the Legal Profession at Stanford Law School and a Special Project Advisor of the Institute for the Advancement of the American Legal System. She was a lecturer at Stanford Law School and has written on the regulation of the profession and the changing practice of law. As Executive Director, she was responsible for developing the direction and goals for the Center and overseeing operations, publications, programs, research, and other interdisciplinary projects.

Other Task Force Members include:

- Justice Christine Durham (Ret.), former Chief Justice of the Utah Supreme Court
- Gillian Hadfield, J.D., M.A. Ph.D (Economics), Schwartz Reisman Chair in Technology and Society, Professor of Law and Strategic Management at the University of Toronto
- Margaret Hagan, J.D., Director of the Legal Design Lab at Stanford University and lecturer in the Institute of Design
- Rebecca Sandefur, Professor of Social and Family Dynamics at Arizona State University and Faculty Fellow at the American Bar Foundation
- D. Gordon Smith, Dean and Glen L. Farr Professor of Law of the J. Reuben Clark Law School at Brigham Young University
- Larissa Lee, Utah Appellate Court Administrator
- Heather Farnsworth, J.D.

- Steven G. Johnson, J.D.

The full biographies and qualifications of all task-force members can be found at <http://sandbox.utcourts.gov/about>. After standing up the sandbox, the Implementation Task Force will transition into the Oversight Board, and the Utah Supreme Court will appoint John Lund as chair.

## **Products**

The specific product for which funding is sought is a regulatory sandbox that will allow participants to test high-quality, innovative legal services without running afoul of current regulations. Through this sandbox, the Oversight Office will solicit nontraditional sources of legal services, including non-lawyers and technology companies, and allow them to test innovative services. The goal of the sandbox is to allow aspiring innovators to develop new offerings that could benefit the public, instill confidence in these new offerings, and allow the Oversight Office to understand how regulations should be selectively or permanently relaxed to permit these and other innovations.

### *Key Features*

After reviewing the approach to regulatory sandboxes taken by other countries and jurisdictions, the Utah Supreme Court has identified three key features that it plans to incorporate into the proposed sandbox:

- 1. Testing out what innovations are possible.** Relaxing regulations in a controlled sandbox environment will allow the Court to observe what kinds of innovations are possible and what risks they might present.
- 2. Tailored evaluation plans focused on risk.** In exchange for participating in the sandbox, providers must self-assess and share with the new regulatory entity the benefits, harms, and risks of their services to customers.
- 3. New sources of data on what regulation works best.** Currently legal regulations are so restrictive in part because they are based on concerns that have not been empirically validated. By gathering data from sandbox participants, the new regulatory entity can pivot to a data-driven and evidence-backed regulatory approach

### *Regulatory Scope*

Prior to standing up the sandbox, the Utah Supreme Court will promulgate a rule or court order defining the types of new ventures that must be offered through the sandbox before entering the mainstream legal market.

## **Type 1 – Ventures Operated by Conventional Law Firms and Lawyers**



Conventional 100% lawyer-owned, managed, and financed law firms and individual lawyers with an active law license must use the sandbox to engage in the following activities:

1. **Subtype 1:** Ventures offering legal service options not previously authorized, whether directly or via a joint-venture, subsidiary, or other corporate structure
  - **Example:** Attorneys-at-Law LLP, an old Salt Lake firm, offers an online tool providing information and guidance, including legal advice via chatbot, around corporate formation
  - **Example:** HousingHelp, a legal services nonprofit, offers an online tool providing guidance, form completion, and legal advice on eviction defense via its website
2. **Subtype 2:** Partnering (fee-sharing) with a non-lawyer owned entity that has not been approved to offer legal services by the Utah Supreme Court
  - **Example:** Attorneys-at-Law LLP enters into an agreement with SavMart Big Box Store to offer legal services in their stores. The agreement specifies that the firm will lease space and pay a certain percent of revenue generated by in-store engagements to SavMart. Firm advertises services leveraging SavMart's brand and SavMart advertises that legal services are available in the store from firm. Fees are earned through engagement between firm and customer. SavMart has not been approved to offer legal services by the Task Force.

## **Type 2 – Ventures Operated by Conventional Law Firms and Lawyers with Less than 100% Lawyer Ownership, Management, or Financing**

The Utah Rules of Professional Conduct currently prohibit non-lawyers from owning, managing, or financing law firms and other legal-services organizations. Organizations with non-lawyer ownership, management, or financing may, however, apply to pilot services through the sandbox.

- **Example:** Attorneys-at-Law LLP takes on financing from a private equity firm
- **Example:** Attorneys-at-law LLP finances a tech subsidiary via venture capital funding

## **Type 3 – Ventures Operated by Non-lawyer Owned Legal Services Providers (For-Profit and Non-Profit)**

Non-lawyer owned legal services providers must pilot the following ventures through the sandbox:

1. **Subtype 1:** Practice law via technology platforms, through lawyer and/or non-lawyer staff, or through the purchase of a law firm

Example: LawSwoosh, an online legal platform offering services to the public, including legal assistance from lawyers, non-lawyer experts, and technology platforms

Example: SavMart, a big box retailer offering flat-fee legal services for consumers via lawyers, non-lawyer experts, and technology platforms in its stores and online

Example: Women's Shelter, a domestic violence non-profit, offers legal assistance to its clients through its non-lawyer staff, including assistance with protective orders, divorces, and custody proceedings

2. **Subtype 2:** Practicing law through a business partnership or contract with individual lawyers or firms in which the services are advertised as part of the provider's brand and in which the contract for services is between the entity (not the lawyer or the firm) and the consumer.

Example: Bank enters into business partnership with Attorneys-at-Law LLP or individual lawyer in which Bank advertises legal help as part of its services/products. Fees are earned through a contract for services between Bank and customer.

Example: SavMart enters into a joint-venture with Attorneys-at-Law, LLP through which the firm's attorneys offer legal services to SavMart's customers, either in their stores or via online platforms. The services are advertised under SavMart's brand and fees are earned through a contract for services between SavMart and the consumer.

Conventional 100% lawyer-owned, managed, and financed law partnerships, professional law corporations, and individual lawyers with an active Utah license may continue their traditional law practice without interacting with the sandbox or Oversight Office.

### *Incentivizing Access to Justice*

Finally, in order to ensure the sandbox meaningfully addresses the access-to-justice crisis, the Oversight Office will also experiment with several features that ensure sandbox offerings meet the needs of low-income consumers, including:

1. Obligating providers to give free licenses, software, or other access to people who cannot afford their innovative services
2. Encouraging more access-oriented participants by bringing together innovative providers and professionals who serve low-income communities (such as legal-aid lawyers or social workers), and offering incentives and training to participants focused on low-income consumers
3. Specifically soliciting access-oriented services when the sandbox is announced and pre-identifying technologies and business models that experts have identified as promoting access to justice

## Budget Narrative

### **Task 1 – Stand Up Regulatory Sandbox**

Standing up the sandbox requires expanding the sandbox website, building a case-management system, and documenting the sandbox's business processes and internal operating procedures.

- Expand sandbox website: 1 Web Developer @ \$40.00 / hr x 100 hours = \$4,000.00
- Build case-management system: 1 Programmer @ \$40.00 / hr x 119 hours = \$4,760.00
- Documenting business processes: 1 Project Manager @ \$50.00 / hr x 39 hrs = \$1,950.00

*Total Cost:* **\$10,710.00**

*Schedule:* Standing up the regulatory sandbox will take approximately one-to-two months and will take place during June and July 2020.

### **Task 2 – Process Sandbox Applicants**

Processing applicants involves assessing potential participants' applications and setting conditions for the participation of those applicants who are accepted into the sandbox. During the assessment period, the Economist, Data Analyst, and Project Manager, along with the Oversight Board and initial staff members Lucy Ricca and Tom Clarke, will examine all submitted proposals and, with final approval from the Utah Supreme Court, accept those that demonstrate an innovative new offering, a strong assessment plan, and a strong potential for public benefit.

During the assessment period, the Project Manager will coordinate communication between applicants, the Oversight Office, the Oversight Board, and the Court. The Economist and Data Analyst will use their expertise to assess each applicant for potential risks and benefits to consumers and the market as a whole, and determine the effectiveness of the applicant's proposed assessment plan. The Web Developer and Programmer who expanded the sandbox website and case-management system will remain involved on a contract basis to assist the Oversight Office in evaluating the technological feasibility of proposed offerings, provide technical support, and address problems encountered by applicants or the other contract positions.

- Assess applications:
  - Economist @ \$75.00 / hr x 67 hours = \$5,025.00
  - Data analyst @ \$50.00 / hr x 100 hours = \$5,000.00
  - Project Manager @ \$50.00 / hr x 100 hours = \$5,000.00
  - Web Developer @ \$40.00 / hr x 81.5 hrs = \$3,260.00
  - Programmer @ \$40.00 / hr x 47 hrs = \$1,880.00
  - ***Subtotal: \$20,165.00***

Participants who are accepted into the sandbox will then work with the Economist, Data Analyst, and Project Manager to establish protocols for data-sharing, auditing, and evaluation. The Project Manager will coordinate communication between approved participants and the Oversight Office. The Economist and Data Analyst will use their expertise to identify and fashion unique and effective protocols for each individual participant.

- Set participant conditions
  - Economist @ \$75.00 / hr x 149 hours = \$11,175.00
  - Data Analyst @ \$50.00 / hr x 111.77 hours = \$5,600.00
  - Project Manager @ \$50.00 / hr x 447.09 hours = \$22,350.00
  - **Subtotal: \$39,125.00**

**Total Cost: \$59,290.00**

*Schedule:* Processing sandbox applicants will take approximately 16 months and occur between July 2020 and November 2021

### **Task 3 – Assess Sandbox Participants**

Sandbox participants must submit quarterly reports throughout the pilot period. The Data Analyst and Economist will use these reports to conduct ongoing evaluations of the risks and benefits to consumers of each offering. The Project Manager will coordinate this process by monitoring the website and database for quarterly reports, consumer feedback, consumer complaints, and will manage communications with participants, the other two positions, the Oversight Board, and the Court.

- Evaluate participant data
  - Economist @ \$75.00 / hr x 75 hours = \$5,625.00
  - Data Analyst @ \$50.00 / hr x 447 hours = \$6,650.00
  - Project Manager @ \$50.00 / hr x 112 hours = 5,600.00
  - **Subtotal: \$33,575.00**

During or at the end of the sandbox pilot, the Economist and Data Analyst will use their expertise to conduct a risk and benefit assessment of the individual participant's overall performance. This assessment will form the basis of a recommendation they will submit to the Oversight Board and Court about whether each individual participant should be allowed to continue with their offering after the sandbox concludes, and which (if any) regulations should be permanently relaxed or revised. During this time, the Project Manager will continue to coordinate information and communications with the other two positions, the Oversight Board, and the Court.

- Determine whether participants can continue
  - Economist @ \$75.00 / hr x 354 hours = 26,550.00

- Data Analyst @ \$50.00 / hr x 133 hours = \$6,650.00
- Project Manager @ \$50.00 / hr x 265 hours = \$13,250.00
- **Subtotal: \$46,450.00**

**Total Cost: \$80,025.00**

*Schedule:* Assessing sandbox participants will take approximately 16 months and occur between July 2020 and November 2021

#### **Task 4 – Assess Sandbox Pilot**

In the final months of the grant period, the Economist and Data Analyst will conduct an internal assessment of the sandbox and report the results to the Oversight Board and the Court. The Project Manager will coordinate this assessment, managing information and communication between the other two positions, the Oversight Board, and the Court.

**Total Cost: \$49,975.00**

*Schedule:* Assessing the sandbox will take approximately one-to-two months and will take place during November and December 2021.

**Total Requested from SJI: \$200,000**

#### **In-Kind Match**

The National Center for State Courts and the Institute for the Advancement of the American Legal System have both made in-kind contributions through the assistance of Lucy Ricca and Tom Clarke, respectfully, in standing up the sandbox. Lucy and Tom will play a critical advisory role in standing up the sandbox, onboarding the Project Manager, Economist, and Data Analyst, and providing technical expertise and institutional knowledge as the sandbox begins accepting and assessing participants. Furthermore, members of the Administrative Office of the Utah Courts, chiefly Larissa Lee, Appellate Court Administrator, will continue to be involved with and provide significant support to the Task Force. And while we have not separately quantified this contribution, we anticipate it will exceed \$25,000 dollars.

- ***Institute for the Advancement of the American Legal System: up to \$50,000 (Lucy Ricca)***
  - Task 1: up to \$20,000.00
  - Task 2: up to \$10,000.00
  - Task 3: up to \$30,000.00
  - Task 4: \$0.00
  - **Subtotal: \$50,000**
- ***National Center for State Courts: \$50,000 (Tom Clarke)***
  - Task 1: \$10,000.00
  - Task 2: \$20,000.00

- Task 3: \$20,000.00
- Task 4: \$0
- ***Subtotal: \$50,000***

***Total In-Kind Match: \$100,000+***

***Total Project Cost: \$300,000***

# STATE JUSTICE INSTITUTE APPLICATION

<b>1. APPLICANT</b> a. Organization Name <u>Utah Supreme Court</u> b. Street/P.O. Box <u>450 S. State St.</u> c. City <u>Salt Lake City</u> d. State <u>UT</u> e. Zip Code <u>84111</u> f. Phone Number <u>(801) 578-3900</u> g. Fax Number _____ h. Web Site Address <u>https://www.utcourts.gov/courts/sup/</u> i. Name & Phone Number of Contact Person <u>Larissa Lee, 801-578-3834</u> j. Title <u>Appellate Court Administrator</u> k. E-Mail Address <u>larissal@utcourts.gov</u>	<b>2. TYPE OF APPLICANT</b> (Check appropriate box) <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input checked="" type="checkbox"/> State Court  <input type="checkbox"/> National organization operating in conjunction with State court  <input type="checkbox"/> National State court support organization  <input type="checkbox"/> College or university             </div> <div style="width: 35%;"> <input type="checkbox"/> Other non-profit organization or agency  <input type="checkbox"/> Individual  <input type="checkbox"/> Corporation or partnership  <input type="checkbox"/> Other unit of government  <input type="checkbox"/> Other _____                  (Specify) _____             </div> </div>
<b>3. PROPOSED START DATE</b> _____ <u>June 1, 2020</u>	
<b>4. PROJECT DURATION</b> (months) <u>18 months</u>	
<b>5. APPLICANT FINANCIAL CONTACT</b> a. Organization Name <u>Utah State Courts - Administrative Office of the Courts</u> b. Street/P.O. Box <u>450 S. State St.</u> c. City <u>Salt Lake City</u> d. State <u>UT</u> e. Zip Code <u>84111</u> f. Phone Number _____ g. Fax Number _____ h. Web Site Address _____ i. Name & Phone Number of Contact Person <u>Milton Margaritis, (801) 578-3863</u> j. Title <u>Grant Coordinator</u> k. E-Mail Address <u>miltonm@utcourts.gov</u> l. Organization EIN <u>876000545</u>	
<b>6. IF THIS APPLICATION HAS BEEN SUBMITTED TO OTHER FUNDING SOURCES, PLEASE PROVIDE THE FOLLOWING INFORMATION:</b> Source <u>N/A</u> Date Submitted _____ Amount Requested _____ Disposition (if any) or Current Status _____	
<b>7. a. AMOUNT REQUESTED FROM SJI \$</b> <u>200,000</u> <b>b. AMOUNT OF MATCH</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>           Cash Match \$ _____            In-kind Match \$ <u>100,000</u> </div> <div> <b>c. TOTAL MATCH</b> \$ _____  <b>d. OTHER CASH</b> \$ _____  <b>e. TOTAL PROJECT COST</b> \$ <u>300,000</u> </div> </div>	
<b>8. TITLE OF PROPOSED PROJECT</b> <u>Piloting Utah's Legal Services Oversight Office and Regulatory Sandbox</u>	
<b>9. CONGRESSIONAL DISTRICT OF:</b> <u>Rep. Chris Stewart, UT-02</u> <span style="float: right;"><u>Statewide</u></span> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Name of Representative; District Number</span> <span>Project location (if different from applicant location): Name of Representative; District Number</span> </div>	
<b>10. CERTIFICATION</b> <p>On behalf of the applicant, I hereby certify that to the best of my knowledge the information in this application is true and complete. I have read the attached assurances (Form D) and understand that if this application is approved for funding, the award will be subject to those assurances. I certify that the applicant will comply with the assurances if the application is approved, and that I am lawfully authorized to make these representations on the behalf of the applicant.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%;">             SIGNATURE OF RESPONSIBLE OFFICIAL            (For applications from State and local courts, Form B - Certificate of State Approval, must be attached)         </div> <div style="width: 30%; text-align: center;"> <u>Appellate Court Administrator</u>            TITLE         </div> <div style="width: 25%; text-align: center;"> <u>Jan. 30, 2020</u>            DATE         </div> </div>	

## STATE JUSTICE INSTITUTE

Certificate of State ApprovalThe Utah Supreme Court

Name of State Supreme Court or Designated Agency or Council

has reviewed the application entitled Piloting Utah's Legal Services Oversight Office and Regulatory Sandboxprepared by Larissa Lee, Appellate Court Administrator

Name of Applicant

approves its submission to the State Justice Institute, and

☒


agrees to receive and administer and be accountable for all funds awarded by SJI pursuant to the application;

☐herby requests consideration of a reduction in cash match as requested by the applicant (**NOTE: only applicable to Project Grant applications**);☐

designates \_\_\_\_\_

Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by SJI pursuant to the application.


  
Signature
January 28, 2019

Date

Matthew B. Durrant

Name

Chief Justice, Utah Supreme Court

Title



# STATE JUSTICE INSTITUTE

## PROJECT BUDGET

(TABULAR FORMAT)

**Applicant:** Utah Supreme Court

**Project Title:** Piloting Utah's Legal Services Oversight Office and Regulatory Sandbox

**For Project Activity from** 06/01/2020 **to** 05/31/2021

**Total Amount Requested for Project from SJI \$** 107,214.06

RESET

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel							0.00
Fringe Benefits							0.00
Consultant / Contractual	107,214.06					100,000.00	207,214.06
Travel							0.00
Equipment							0.00
Supplies							0.00
Telephone							0.00
Postage							0.00
Printing / Photocopying							0.00
Audit							0.00
Other (specify)							0.00
<b>Subtotal, Direct Costs</b>	<b>107,214.06</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100,000.00</b>	<b>207,214.06</b>
<b>Indirect Costs</b>							0.00
<b>Grand Total</b>	<b>107,214.06</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100,000.00</b>	<b>207,214.06</b>

**Remarks:**

RESET

# STATE JUSTICE INSTITUTE

## PROJECT BUDGET

(TABULAR FORMAT)

**Applicant:** Utah Supreme Court

**Project Title:** Piloting Utah's Legal Services Oversight Office and Regulatory Sandbox

**For Project Activity from** 06/01/2021 **to** 12/31/2021

**Total Amount Requested for Project from SJI \$** 92,785.94

**RESET**

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel							0.00
Fringe Benefits							0.00
Consultant / Contractual	92,785.94					0.00	92,785.94
Travel							0.00
Equipment							0.00
Supplies							0.00
Telephone							0.00
Postage							0.00
Printing / Photocopying							0.00
Audit							0.00
Other (specify)							0.00
<b>Subtotal, Direct Costs</b>	<b>92,785.94</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>92,785.94</b>
<b>Indirect Costs</b>							0.00
<b>Grand Total</b>	<b>92,785.94</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>92,785.94</b>

**Remarks:**

**RESET**

# STATE JUSTICE INSTITUTE

## PROJECT BUDGET

(TABULAR FORMAT)

**Applicant:** Utah Supreme Court

**Project Title:** Piloting Utah's Legal Services Oversight Office and Regulatory Sandbox

**For Project Activity from** 06/01/2020 **to** 12/31/2021

**Total Amount Requested for Project from SJI \$** 200,000.00

RESET

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel							0.00
Fringe Benefits							0.00
Consultant / Contractual	200,000.00					100,000.00	300,000.00
Travel							0.00
Equipment							0.00
Supplies							0.00
Telephone							0.00
Postage							0.00
Printing / Photocopying							0.00
Audit							0.00
Other (specify)							0.00
<b>Subtotal, Direct Costs</b>	<b>200,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100,000.00</b>	<b>300,000.00</b>
<b>Indirect Costs</b>							0.00
<b>Grand Total</b>	<b>200,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100,000.00</b>	<b>300,000.00</b>

**Remarks:**

RESET

## STATE JUSTICE INSTITUTE ASSURANCES

The applicant hereby assures and certifies that it possesses legal authority to apply for the grant, and that if funds are awarded by the State Justice Institute pursuant to this application, it will comply with all applicable provisions of law and the regulations, policies, guidelines and requirements of SJI as they relate to the acceptance and use of SJI funds pursuant to this application. The applicant further assures and certifies with respect to this application, that:

1. No person will, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by SJI funds, and that the applicant will immediately take any measures necessary to effectuate this assurance.
2. In accordance with 42 U.S.C. 10706(a), funds awarded to the applicant by SJI will not be used, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive order or similar promulgation by federal, state or local agencies, or to influence the passage or defeat of any legislation or constitutional amendment by any federal, state or local legislative body.
3. In accordance with 42 U.S.C. 10706(a) and 10707(c):
  - a. It will not contribute or make available SJI funds, project personnel, or equipment to any political party or association, to the campaign of any candidate for public or party office, or to influence the passage or defeat of any ballot measure, initiative, or referendum;
  - b. No officer or employee of the applicant will intentionally identify SJI or applicant with any partisan or nonpartisan political activity or the campaign of any candidate for public or party office; and,
  - c. No officer or employee of the applicant will engage in partisan political activity while engaged in work supported in whole or in part by SJI.
4. In accordance with 42 U.S.C. 10706(b), no funds awarded by SJI will be used to support or conduct training programs for the purpose of advocating particular non-judicial public policies or encouraging non-judicial political activities.
5. In accordance with 42 U.S.C. 10706(d), no funds awarded by SJI will be used to supplant state or local funds supporting a program or activity; to construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or to solely purchase equipment for a court system.
6. It will provide for an annual fiscal audit of the project.
7. It will give the Institute, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award.
8. In accordance with 42 U.S.C. 10708(b) (as amended), research or statistical information that is furnished during the course of the project and that is identifiable to any specific individual, shall not be used or revealed for any purpose other than the purpose for which it was obtained. Such information and copies thereof shall be immune from legal process, and shall not be offered as

evidence or used for any purpose in any action suit, or other judicial, legislative, or administrative proceeding without the consent of the person who furnished the information.

9. All research involving human subjects will be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, the Institute must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.
10. All products prepared as the result of the project will be originally-developed material unless otherwise specifically provided for in the award documents, and that material not originally developed that is included in such projects must be properly identified, whether the material is in a verbatim or extensive paraphrase format.
11. No funds will be obligated for publication or reproduction of a final product developed with Institute funds without the written approval of the Institute. The recipient will submit a final draft of each such product to the Institute for review and approval prior to submitting that product for publication or reproduction.
12. The following statement will be prominently displayed on all products prepared as a result of the project: "This [document, website, film, videotape, etc.] was developed under a [grant, cooperative agreement, contract] from the State Justice Institute. Points of view expressed herein are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute."
13. The "SJI" logo will appear on the front cover of a written product or in the opening frames of a video production produced with Institute funds, unless another placement is approved in writing by the Institute.
14. Except as otherwise provided in the terms and conditions of a SJI award, the recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of an Institute-supported project, but the Institute shall reserve a royalty-free, non-exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.
15. It will submit quarterly progress and financial reports within 30 days of the close of each calendar quarter during the funding period (that is, no later than January 30, April 30, July 30, and October 30); that progress reports will include a narrative description of the project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period,; and that financial reports will contain the information required.
16. At the conclusion of the project, title to all expendable and non-expendable personal property purchased with SJI funds shall vest in the court, organization, or individual that purchased the property if certification is made to the Institute that the property will continue to be used for the authorized purposes of SJI-funded project or other purposes consistent with the State Justice Institute Act, as approved by SJI. If such certification is not made or SJI disapproves such certification, title to all such property with an aggregate or individual value of \$1,000 or more shall vest in SJI, which will direct the disposition of the property.

17. The person signing the application is authorized to do so on behalf of the applicant, and to obligate the applicant to comply with the assurances enumerated above.

# Tab 9





**Appellate efilng Estimation**

<b>~1100 cases per year (appellate &amp; supreme)</b>			
	HOURS		
process definition / scope			
automation of Notice of Appeal in lower court creating queue entry for AIS	300		
workflow at case initiation, flag as Supreme or Appellate; accept or dismiss	800	integrate with output from Mobilize	
judgment roll enhancements - CORIS (if requested by COA)	1000	manual process needed if any docs are corrupt	
judgment roll enhancements - CARE (if requested by COA)	500		
process for managing attorney accounts for login	750		
build interface for attorneys to submit docs	750		
ongoing cost for attorney account support & training		done by appellate staff	
support for appellate staff in managing accounts HelpDesk & system maintenance		ongoing	1 FTE
attorney access to case history and documents	200		
ability to attach attorneys at case filing, Notice of Appearance, responsive filings	200		might be a second phase
process for limiting access / privacy, at case & document level	600		
interface for staff & judges	400		
hyperlinking of documents / by page	300		
Review Queue for staff (prior to docketing)	300		
Document type management (many types)	400		
fee/revenue collection for petitions, filing fees, certificates, CDs, etc.	1000		second phase / separate epayment module?
motion to waive fees / fee waivers	200		might be able to skip this & collect manually if there's a pre-docket review queue
Signing Feature (for proposed orders)	800		workflow needed (route to clerk/case manager)
Uploading/automating Opinions to web			continue the current manual process
Roll-out/Implementation/Pilot project to attorneys & appellate staff	100		
<b>TOTAL HOURS:</b>	<b>8600</b>		<b>Total cost \$774,000 @\$90/hr</b>

Criminal Appeals Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Adams	Emily	The Appellate Group PLLC 505 S. Main St. Bountiful, Utah 84010	Work: 801-924-0854 Cell: 801-309-6925	eadams@theappellategroup.com	I take conflict criminal appeals from Salt Lake and Utah counties and have the criminal appeal contracts for Uintah and Weber Counties.	Yes	I am willing to provide indigent appeal services all over the state if I am available.
Anderson	Nathan	Skoubye Nielson & Johansen, LLC. 999 E. Murray Holladay Rd Ste 200 Salt Lake City Utah 84117	Work: 801-365-1024 Cell: 801-372-6849	nathan@snjlegal.com		Yes	
Aston	Leah	Petro & Associates 1215 N. 500 W. Provo, Utah 84604	Work: 801-373-0019 Cell: 801-615-9872	leahjordanaaston@gmail.com		Yes	
Bacalski	Cherise	Bacalski Legal PLLC 51 W. Center St. #315 Orem, Utah 84121	Work: 858-215-1388	cherisebacalski@gmail.com	I am currently contracted to handle Weber County's indigent criminal and juvenile appeals.	Yes	I am willing to take other contracts and have no geographical restraints.
Brough	Daniel	Bennett, Tueller, Johnson & Deere 3165 E. Millrock Dr. #500 Salt Lake City, Utah 84121	Work: 801-438-2024 Cell: 801-641-7971	dbrough@btjd.com	I do not have a contract.	Yes, but	I don't have any formal geographic limitations, but would prefer to remain in Box Elder, Weber, Davis, Salt Lake, Utah, Summit, Wasatch, Tooele or Juab Counties.
Brown	Spencer	Strong & Hanni PC 102 South 200 East #800 Salt Lake City, Utah 84101	Work: 801-323-2175 Cell: 801-615-4270	sbrown@strongandhanni.com	I have no county contracts.	Yes	I am willing to work state-wide.
Bullen	Herschel	Herschel Bullen 369 East 900 South #302 Salt Lake City, Utah 84111	Work: 801-583-1880 Cell: 801-560-9687	herschellaw@gmail.com	I have a contract with the Salt Lake Legal Defender's Office to handle conflicted appeals. I am only doing appellate work at this time. This is unrestricted in any way and I could theoretically undertake additional work. However, I consider the volume of work from I have and will receive from LDA and other sources to be prohibitive and I would not be amenable to be appointed to do additional indigent defense work on a pro bono basis. I have enough to do now that I could not do proper service to my existing clients if I were to take on more work	No (SL Co.)	Salt Lake County

Criminal Appeals Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Cepernich	Dani	Snow, Christensen & Mart. 10 Exchange Pl. 11th Floor Salt Lake City, Utah 84111	Work: 801-322-9264 Cell: 707-761-0209	dnc@scmlaw.com	I do not have a current contract.	Yes	I do not have any restrictions on geographic availability.
Cutler	John	Parsons, Behle & Latimer 900 Pier View Drive #206 Idaho Falls, Idaho 83402	Work: 802-528-5223 Cell: 208-709-4874	jcutler@parsonsbhele.com	I do not have a contract with any county.	Yes	I have no restrictions on my availability. I am willing to serve in any county in the state.
Daines	Peter	Quest Software 220 West Mercer St., Suite 410 Seattle, WA 98199	Work: 949-754-1258	daines.peter@gmail.com	I currently have a contract with Morgan County to handle one specific appeal. The contract is only for one case. I do not currently have any standing contracts with any county to handle indigent appeals on a revolving basis.	Yes	I have no geographic restrictions.
Dodd	Aaron	Fillmore Spencer LLC 3301 N. University Ave Provo, Utah 84604	Work: 801-426-8200 Cell: 801-400-3456	adodd@fslaw.com	I do not have any contracts.	No (Utah, Juab, Sanpete, Wasatch)	I may be willing to take cases from the following district court counties: Utah, Juab, Sanpete, and Wasatch.
Goodwin	Scott	Goodwin Law Solutions 223 W. Bulldog Blvd. #515 Provo, Utah 84604	Work: 801-960-3727	sgoodwin@gmail.com			
Erickson	Michael	Ray, Quinney & Nebeker 36 S. State St. #1400 Salt Lake City, Utah 84111	Work: 801-323-3351 Cell: 801-865-0049	merickson@rqn.com		Maybe	To be most effective, I may be best suited to representing parties in the Third District (Salt Lake County, specifically) and Fourth District (Utah County, specifically). I am open to other districts/counties, but I am not yet familiar with how driving distance may affect my ability to adequately provide representation.

Criminal Appeals Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Fitzgerald	Andrew	K. Andrew Fitzgerald Law P.O. Box 1088 Moab, Utah 84532	Work: 435-259-0119 Cell: 435-260-8593	andrewmoablawyer@icloud.com		Yes	I am willing to accept appointments throughout the state, especially if they are ICWA related. However, my preference is for appointments in San Juan, Grand, Carbon, and Emery Counties. Not only are these jurisdictions in close proximity to my legal practice, but these jurisdictions have a shortage of qualified appellate attorneys.
Holyoak	Melissa	Hamilton Lincoln Law Institute 1629 K Street, NW Suite 300 Washington, D. C. 20006	Mobile: 573-823-5377	melissaholyoak@gmail.com		Yes	
Johnson	Freyja	The Appellate Group PLLC 505 S. Main St. Bountiful, Utah 84010	Work: 801-924-0854 Cell: 801-441-9897	fjohnson@theappellategroup.com			
Kiburtz	Kristen	Christensen & Jensen, P.C. 257 E. 200 S. #1100 Salt Lake City, Utah 84111	Work: 801-323-500 Cell: 801-824-6494	kristen.kiburtz@christensen.com		Yes	
Lee	Trevor	Manning, Curtis, Bradshaw & Bednar 136 E. South Temple #1300 Salt Lake City, Utah 84111	Work: 801-303-0051 Cell: 435-640-2358	tlee@mc2b.com		Yes	
McCann	Eli	Kirton McConkie 50 E South Temple, Suite 400 Salt Lake City, Utah 84105	Work: 801-328-3600 Cell: 801-717-8941	emccann@kmcclaw.com	I do not have a contract.	Yes	I have no geographic restrictions.

Criminal Appeals Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Nelson	Perris	Seiler, Anderson, Fife & Marshall, LC 2500 North University Ave Provo, Utah 84604	Work: 801-375-1920 Cell: 385-227-5843	pnelson@safmlaw.com	I do not have a contract.	No (Utah Co.)	I would prefer to limit my geographic availability to Utah County.
Pendleton	Gary	Gary Pendleton 619 S Bluff St., Ste 202 St. George, Utah 84770	Work: 435-628-7086 Cell: 435-862-2991	garypendleton@gmail.com	Conflict counsel on an ad hoc basis with Washington County.	Yes	I am willing to accept cases without any restriction on my geographic availability.
Quist	Michelle	Kenzler Bean & Adamson, PC 50 W Broadway, 10th Floor Salt Lake City, Utah 84101	(310) 909-6154	michelle@utahappellatelaw.com	I currently have no county contracts.	No (Wasatch Front + St. George)	My geographical areas include Wasatch Front and St. George
Robinson	John Jr.	Deiss Law PC 10 West 100 South #425 Salt Lake City, Utah 84101	Work: 801-433-0226 Cell: 801-742-1102	jrobinson@deisslaw.com	I currently have a contract with LDA as one of the 4 conflict counsel for appeals.	Yes	I have no other contracts, and there are no geographic restrictions on my work in contract or in practice.
Skousen	Neil	Neil Skousen P.O. Box 1771 Orem, Utah 84059	Work: 801-376-6666	ndskousen@aol.com	No contract.	No (Utah Co.)	Outside my contract, I'm willing to provide hourly/flat fee appellate representation, plus costs, for indigent clients in Utah County if there is a need and if I'm available to handle the additional work.
Smoland	Dain	Smoland Law 422 North 300 West Salt Lake City, Utah 84103	Work: 801-980-3625	dain@smolandlaw.com	I do not currently hold any indigent defense contracts.	No (1st, 2nd, 3rd, 4th, 8th Districts)	I am currently willing to accept indigent appellate assignments in the 1st, 2nd, 3rd, 4th, or 8th Judicial Districts.
Spencer	Sarah	Christensen & Jensen PC 257 E. 200 S. #1100 Salt Lake City, Utah 84111	Work: 801-323-5000 Cell: 801-503-8125	sarah.spencer@christensen.com	I do not have a contract.	Yes	For appellate cases, I have no geographic restriction.
Stevens	Gregory	Gregory Stevens 2825 E. Cottonwood Pkwy #500 Salt Lake City, Utah 84121	Work: 801-990-3388 Cell: 801-518-9566	utlaw@aol.com			

Criminal Appeals Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Taliaferro	Ann Marie	Brown, Bradshaw & Moffat 422 N 300 W Salt Lake City, Utah 84103	Work: 801-532-5297 Cell: 801-518-8088	ann@brownbradshaw.com	Summit County appoints me every once in awhile but I don't have an official contract to do their entire appellate contract.	Yes	I am willing to do appointments from anywhere if I am available and on as as-needed basis.
Turner	Nicolas	Turner Law, P. C. 107 South 1470 East, Suite 105, St. George, UT 84790	Work: (435) 656-6156 Cell: 435-359-7070	nick@turneratlav.com	Appellate contract with Washington County		Washington County
Visser	Staci	Intermountain Legal 2159 South 700 East #240 Salt Lake City, Utah 84106	Work: 801-990-4200 Cell: 208-709-7293	svisser@intermountainlegal.net	I have no county contracts.	Yes	I am willing to travel for appointments and don't have any restrictions. My practice is chiefly in Second, Third, and Fourth Districts as I am located in Salt Lake City but as many appellate clients are in prison anyway, I will travel where I need to.
Wiggins	Scott	Arnold & Wiggins PC 57 W 200 S #105 Salt Lake City, Utah 84101	Work: 801-328-4333 Cell: 801-898-4333	swiggins@awpc.net			
Worley	Michael	Federal District Court 251 S West Temple Salt Lake City, Utah 84101	Work: 801-524-6792 Cell: 801-382-7072	michael_worley@alcosta.com	I do not have any present contracts with any county.	Yes	I do not have any restrictions on geographic availability.
Young	Dallas	Utah County Public Defender Association 51 S. University Ave Provo, UT	Work: (801) 852-1070 Cell: 801-602-3531	dallasy@utcpd.com	Now works for legal defender's office	No	Utah County
Young	Daniel	Plant, Christensen & Kanell 136 E. South Temple #1700 Salt Lake City, Utah 84101	Work: 801-363-7611 Cell: 801-232-3528	young@pckutah.com	I do not have a contract with any county, although my Partner Matthew Church represents many municipalities in civil matters.	Yes	I do not have any geographic limitations.
Salt Lake Legal Defender Association (LDA)		424 East 500 South Suite 300, SLC, UT 84123	Office: 801-532-5444, Lori J. Seppi, Chief Appellate Attorney	<a href="mailto:appeals@sllda.com">appeals@sllda.com</a>	Salt Lake County	No	Office contract limited to Salt Lake County

Criminal Appeals Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Utah County Public Defender Assoc.		51 S. University Ave., Suite 206, Provo, UT 84601	Office: 801-852- 1070, Margaret Lindsay Cell: 801-318-3194	margaretl@utcp d.com or margaretplindsa y@gmail.com	Utah, Juab, Millard and Sanpete Counties	No, but	Office is willing to provide assistance to other counties as can be arranged

Child Welfare Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Adams	Emily	Adams Legal LLC P. O. Box 1564 Bountiful, Utah 84011	Work: 385-777-5533 Cell: 801-309-6925	eadams@adamslegalllc.com,	Child welfare for Uintah and Weber Counties	Yes	I am willing to provide indigent appeal services all over the state if I am available.
Coebergh	Colleen	29 South State St #007 Salt Lake City, UT 84111	Work: 801-364-3300 Cell: 801-949-9832	ckc4thedefense@msn.com		Yes	
Garrett	Aaron	Non profit Legal Service 177 East 900 South #202 Salt Lake City, Utah 84111	Work: 385-419-4111 Cell: 801-712-1025	aaron@nonprofitlegalservices.com	I do not have any contracts with any service areas	Yes	I am willing to perform services if I am not under contract and I will take cases statewide.
Fitzgerald	Andrew	K. Andrew Fitzgerald Law P. O. Box 1088 Moab, Utah 84532	Work: 435-259-0119 Cell: 435-260-8593	andrewmoablawyer@icloud.com		Yes	I am willing to accept appointments throughout the state, especially if they are ICWA related. However, my preference is for appointments in San Juan, Grand, Carbon, and Emery Counties. Not only are these jurisdictions in close proximity to my legal practice, but these jurisdictions have a shortage of qualified appellate attorneys.
Latham	J. Robert	J. Robert Latham, J. D.P.C. 3143 South 840 East #420 St. George, Utah 84790	Work: 435-200-4872	jrobertesq@gmail.com	I have a contract with Washington County.	No (5th D. +Kane Co)	Beaver, Iron, Kane, and Washington counties.
Nelson	Julie	Zimmerman Booher 341 S. Main St. 4th Fl. Salt Lake City, Utah 84111	Work: 801-924-0200 Cell: 801-441-9897	jnelson@zbsappeals.com		Yes	
Norman	Kirstin H.	Law Offices of Kirstin Norman 528 East 900 North American Fork, UT, 84003	Work: 801-610-9127 Mobile: 425-442-5255	khnorman08@gmail.com		Yes	
Skousen	Neil	Neil Skousen P.O. Box 1771 Orem, Utah 84059	Work: 801-376-6666	ndskousen@aol.com	In Utah County, I have a child welfare contract to defend parents in DCFS abuse/neglect/dependency cases and in juvenile delinquency cases. This contract restricts my appeals to those same cases I'm assigned to by the Juvenile Courts in Utah County.	No (Utah Co.)	Outside my contract, I'm willing to provide hourly/flat fee appellate representation, plus costs, for indigent clients in Utah County if there is a need and if I'm available to handle the additional work.
Stevens	Gregory	Gregory Stevens 2825 E. Cottonwood Pkwy #500 Salt Lake City, Utah 84121	Work: 801-990-3388 Cell: 801-518-9566	utlaw@aol.com			
Wiggins	Scott	Arnold & Wiggins PC 57 W 200 S #105 Salt Lake City, Utah 84101	Work: 801-328-4333 Cell: 801-898-4333	swiggins@awpc.net			



Child Welfare Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Utah County Public Defender Assoc.		51 S. University Ave., Suite 206, Provo, UT 84601	Office: 801-852- 1070, Margaret Lindsay Cell: 801- 318-3194	margaretl@utcpd. com or margaretplindsay @gmail.com	Utah, Juab, Millard and Sanpete Counties	No, but	Office is willing to provide assistance to other counties as can be arranged

Juvenile Delinquency Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Brough	Daniel	Bennett, Tueller, Johnson & Deere 3165 E. Millrock Dr. #500 Salt Lake City, Utah 84121	Work: 801-438-2024 Cell: 801-641-7971	dbrough@btjd.com	I do not have a contract.	Yes, but	I don't have any formal geographic limitations, but would prefer to remain in Box Elder, Weber, Davis, Salt Lake, Utah, Summit, Wasatch, Tooele or Juab Counties.
Fitzgerald	Andrew	K. Andrew Fitzgerald Law P.O. Box 1088 Moab, Utah 84532	Work: 435-259-0119 Cell: 435-260-8593	andrewmoablawyer@icloud.com		Yes	I am willing to accept appointments throughout the state, especially if they are ICWA related. However, my preference is for appointments in San Juan, Grand, Carbon, and Emery Counties. Not only are these jurisdictions in close proximity to my
Goodwin	Scott	Goodwin Law Solutions 223 W. Bulldog Blvd. #515 Provo, Utah 84604	Work: 801-960-3727	sgoodwin@gmail.com			
Kiburtz	Kristen	Christensen & Jensen, P. C. 257 E. 200 S. # 1100 Salt Lake City, Utah 84111	Work: 801-323-500 Cell: 801-824-6494	kristen.kiburtz@chrisjen.com		Yes	
Latham	J. Robert	J. Robert Latham, J.D.P. C. 3143 South 840 East #420 St. George, Utah 84790	Work: 435-200-4872	jrobertlesq@gmail.com	I have a contract with Washington County.	No (5th D.+Kane Co)	Beaver, Iron, Kane, and Washington counties.
Maio	Monica	Utah Juvenile Defender Attorneys 8 East Broadway, Suite 500 Salt Lake City, Utah 84114	(801) 521-5225	mmaio@ujda.org	We cover Salt Lake County from the time the petition is filed through the appeal.	Yes	No geographic restrictions. Current contract covers Salt Lake County.
Nelson	Perris	Robinson, Seiler, Anderson 2500 N. Univeristy Ave. #100 Provo, Utah 84604	Work: 801-375-1920 Cell: 385-227-5843	pnelson@safmlaw.com	I do not have a contract.	No (Utah Co.)	I would prefer to limit my geographic availability to Utah County.

Juvenile Delinquency Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Pena	Marina	Utah Juvenile Defender Attorneys 8 East Broadway, Suite 500 Salt Lake City, Utah 84114	(801) 521-5225	mpena@ujda.org	We cover Salt Lake County from the time the petition is filed through the appeal.	Yes	No geographic restrictions. Current contract covers Salt Lake County.
Robinson	John Jr.	Deiss Law PC 10 West 100 South #425 Salt Lake City, Utah 84101	Work: 801-433-0226 Cell: 801-742-1102	jrobinson@deisslaw.com	No contract.	Yes	I have no other contracts, and there are no geographic restrictions on my work in contract or in practice.
Skousen	Neil	Neil Skousen P.O. Box 1771 Orem, Utah 84059	Work: 801-376-6666	ndskousen@aol.com	In Utah County, I have a child welfare contract to defend parents in dcfs abuse/neglect/d	No (Utah Co.)	Outside my contract, I'm willing to provide hourly/flat fee appellate representation, plus costs, for indigent clients in Utah County if there is a need and if I'm available to handle the additional work.
Spencer	Sarah	Christensen & Jensen PC 257 E. 200 S. #1100 Salt Lake City, Utah 84111	Work: 801-323-5000 Cell: 801-503-8125	sarah.spencer@chrisjen.com	I do not have a contract.		For appellate cases, I have no geographic restriction.
Stevens	Gregory	Gregory Stevens 2825 E. Cottonwood Pkwy #500 Salt Lake City, Utah 84121	Work: 801-990-3388 Cell: 801-518-9566	utlaw@aol.com			
Utah County Public Defender Assoc.		51 S. University Ave., Suite 206, Provo, UT 84601	Office: 801-852-1070, Margaret Lindsay Cell: 801-318-3194	margaretl@utcpd.com or margaretplindsay@gmail.com	Utah, Juab, Millard and Sanpete Counties	No, but	Office is willing to provide assistance to other counties as can be arranged
Utah Juvenile Defender Attorneys, LLC		8 East Broadway, Suite 500 Salt Lake City, Utah 84114	(801) 521-5225		We cover Salt Lake County from the time the petition is filed through the appeal.	Yes	No geographic restrictions. Current contract covers Salt Lake County.
Wiggins	Scott	Arnold & Wiggins PC 57 W 200 S #105 Salt Lake City, Utah 84101	Work: 801-328-4333 Cell: 801-898-4333	swiggins@awpc.net			

Termination of Parental Rights Roster							
Last Name	First Name	Address	Phone Number	Email address	Current Contract	Statewide availability?	Geographic Area
Coebergh	Colleen	29 South State St. #007 Salt Lake City, UT 84111	Work: 801-364-3300 Cell: 801-949-9832	ckc4thedefense@msn.com		Yes	
Holyoak	Melissa	Hamilton Lincoln Law Institute 1629 K Street, NW Suite 300 Washington, D.C. 20006	Mobile: 573-823-5377	melissaholyoak@gmail.com		Yes	
Norman	Kirstin H.	Law Offices of Kirstin Norman 528 East 900 North American Fork, UT, 84003	Work: 801-610-9127 Mobile: 425-442-5255	khnorman08@gmail.com		Yes	

FAQ	Response
1. How do you apply to the Appellate Roster?	<p>At least once each year, the Standing Committee on Appellate Representation will announce that it is accepting applications for the Appellate Rosters. The announcements will be published on the Utah State Bar list-serve and with other organizations associated with legal defense. The application will direct to whom the application is to be submitted and the deadline for submitting it.</p> <p>To be considered for membership on the Utah Appellate Roster, applicants must meet the criteria contained in Rule 11-401. An attorney who applies for or is listed on the Utah Appellate Roster must be a member in good standing with the Utah Bar, must be familiar with the Utah Rules of Appellate Procedure, and must demonstrate knowledge of appellate practice as shown by experience, training, and/or legal education. Applicants must also be willing to accept appointments during the membership term and have adequate administrative support. To apply for inclusion on the Utah Appellate Roster, an attorney must submit the following materials:</p> <ol style="list-style-type: none"> <li>1. Application, fully completed;</li> <li>2. A current resume;</li> <li>3. Two appellate briefs with a certification that the applicant was substantially responsible for drafting the briefs; and</li> <li>4. If applying for appointment for appeals from child welfare proceedings, at least one Rule 55 Petition.</li> </ol> <p>See FAQ 2 for more information.</p>
2. What are the qualifications for the Appellate Roster?	<p>To qualify for the Appellate Roster, you must:</p> <p>Demonstrate that you have briefed the merits in at least three appeals within the past three years or you have briefed 12 appeals total, or you are directly supervised by an attorney with that experience;</p> <p>Be a member of the Utah Bar in good standing;</p> <p>Have knowledge of appellate practice as shown by experience, training, or legal education;</p> <p>Submit at least two appellate briefs with a certification that you were substantially responsible for drafting the briefs;</p> <p>Provide citations for all appellate decisions in which you were counsel of record;</p> <p>Certify that you have sufficient time and administrative support to accept an appointment to represent indigent parties on appeal and to provide the effective assistance of counsel in every case and a willingness to commit those resources to that representation; and</p> <p>If you are applying for the child welfare roster, submit an Appellate Rule 55 petition that you have prepared.</p> <p>You will not qualify for the appellate roster if, within the preceding three years, you have been the subject of an order issued by any appellate court imposing sanctions against you as counsel, discharging you as counsel, or taking other equivalent action against you as counsel because of your substandard performance before an appellate court; or you have been removed from the appellate roster within the past year.</p>

<p>3. My acceptance letter says I have to find a mentor. How do I go about finding a mentor and certifying my briefs?</p>	<p>Applicants who otherwise qualify for the appellate roster but who have not briefed the merits in at least three appeals within the past three years or in 12 appeals total may be placed on the the appellate roster subject to a mentor requirement. A mentor must meet the following criteria:</p> <ul style="list-style-type: none"> <li>Briefed the merits in at least three appeals within the past three years or in 12 appeals total;</li> <li>Be a member of the Utah Bar in good standing;</li> <li>Have knowledge of appellate practice as shown by experience, training, or legal education.</li> </ul> <p>A person does not qualify as a mentor if, within the preceding three years, he or she has been the subject of an order issued by any appellate court imposing sanctions against counsel, discharging counsel, or taking other equivalent action against counsel because of counsel's substandard performance before an appellate court; or he or she has been removed from the appellate roster within the past year.</p> <p>Anyone who is on the roster currently qualifies to be a mentor unless that attorney is also subject to the mentoring requirement. Any attorney with a dedicated appellate practice who meets the above qualifications may also be a mentor. For mentorship information, please contact the Indigent Defense Commission at IDC@utah.gov.</p> <p><b>Certifying your briefs</b></p> <p>You are not required to name your mentoring attorney nor is there a specific requirement for how the certification appears in your brief. But best practice is to place the following on a separate page after the certificate of service:</p> <p>I hereby certify that I was directly supervised by a mentor qualified under [Rule 38B of the Utah Rules of Appellate Procedure] [Utah Code of Judicial Administration Rule 11-401(2)(E)] in the preparation of this appeal.</p> <p>/s/ [Your name]</p> <p>Date:</p>
<p>4. How does the roster work?</p>	<p>To be appointed to represent indigent defendants on appeal, a lawyer must complete three steps:</p> <p>First, the lawyer must be placed the roster. Only lawyers on the roster are eligible for appointment to represent indigent parties on appeal.</p> <p>Second, the lawyer must contract with a county. In Utah, counties contract with defense counsel to represent indigent parties at trial and on appeal. Counties may contract exclusively with a lawyer to handle all appeals or to serve as conflict counsel on appeal; or counties may invite bids from lawyers on the roster for a particular case.</p> <p>Third, the lawyer must be appointed by the district or juvenile court. District and juvenile judges appoint lawyers who both appear on the roster and hold county contracts.</p>
<p>5. Once I am on the roster, how do I get appointed to represent a party on appeal?</p>	<p>You should contact the counties where you want to be appointed to represent indigent parties or you can wait for the counties to contact you. See FAQ 4 for more information.</p>

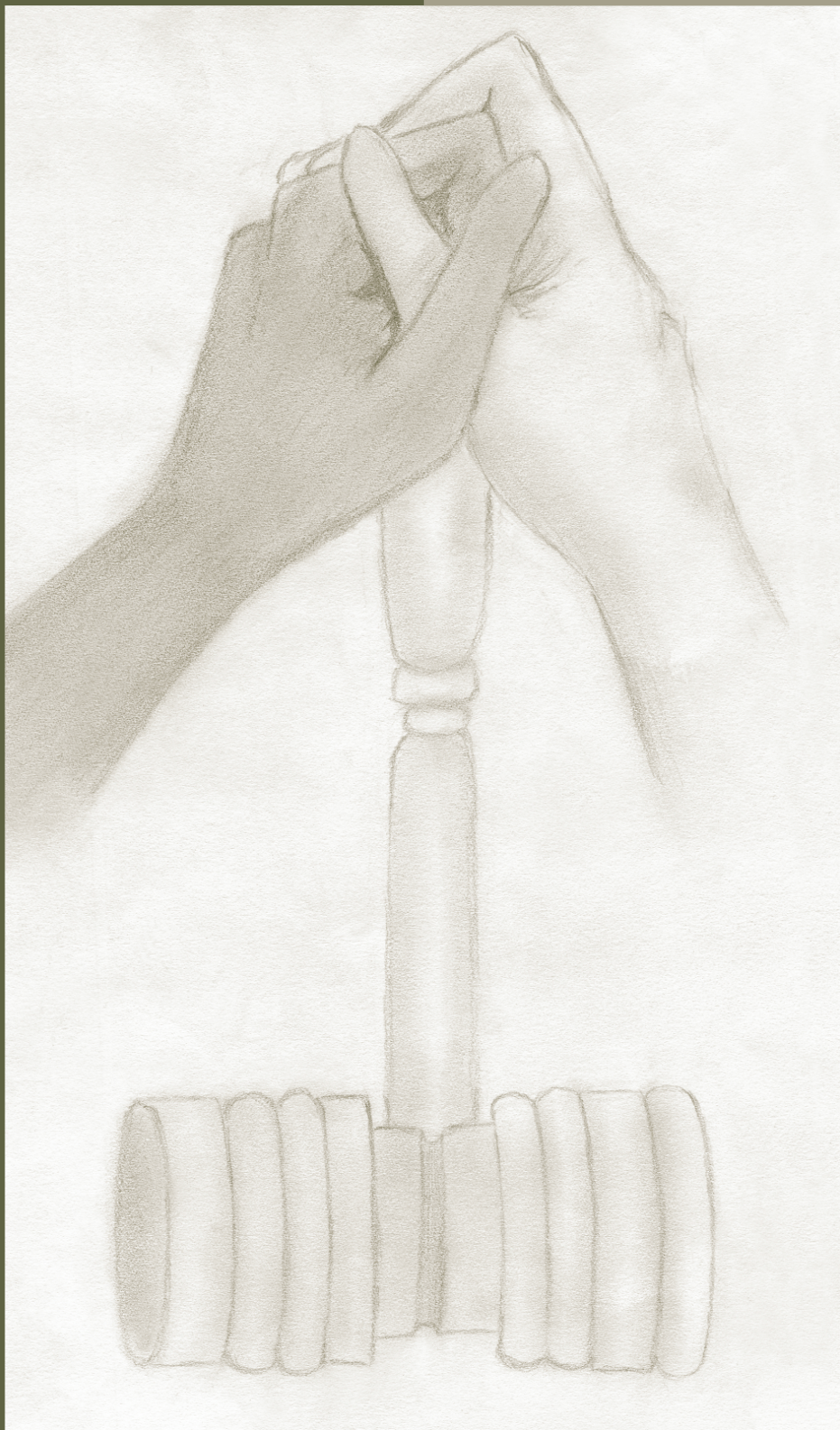
6. How do I get paid?	If you have been appointed through the roster to represent an indigent party, contact the county immediately regarding payment, and if you need help, email the Indigent Defense Commission: IDC@utah.gov.
7. What if I apply for the appellate roster and I am rejected?	If you apply for the appellate roster and you are rejected, you are invited to reapply when the application period opens. We appreciate your willingness to serve indigent parties on appeal to the Utah Supreme Court and the Utah Court of Appeals.





# Tab 10





## RACIAL AND ETHNIC FAIRNESS:

REPORT ON THE STATE OF THE CRIMINAL AND JUVENILE JUSTICE SYSTEM

*by the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System*

*September 2000*

## SPONSORSHIP LIST

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**SJI**

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*Artist's statement:*

"I used hands because a lot of people use their hands to communicate sign language, or just to express themselves. I made one black and one white to show friendship and equality between all kinds of people. I have the hands holding the gavel of justice to symbolize justice for all people."

# RACIAL AND ETHNIC FAIRNESS:

## REPORT ON THE STATE OF THE CRIMINAL AND JUVENILE JUSTICE SYSTEM

*by the*

*Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System*

*September 2000*

*"This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy ... now is time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood."*

- Martin Luther King

*"Utah and its judiciary are at a crossroads in the State's history. The decisions we make now will affect the quality of life for future generations — we must not be timid in our examination of alternatives if those alternatives are better than what now exists ... For us to be successful it will be necessary to create an awareness on the part of the public and our legislators of the profound effect the courts have on all our lives. We must not, through inaction, compromise the quality of justice which you in the judiciary continue to provide and which our citizens have a right to expect."*

- Governor Scott M. Matheson

*"Good words do not last long unless they amount to something."*

- Chief Joseph

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For additional copies of this report, contact:

*Administrative Office of the Courts*

*P.O. Box 140241*

*Salt Lake City, Utah 84114-0241*

*Tel: 801-578-3800*

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Donna Land Maldonado, *General Manager, KRCL Community Radio*

Dan Maldonado, *Assistant Director, Division of Youth Corrections*

Chris Martinez, *President, Image de Utah*

Charlotte L. Miller, *Vice President of Global Human Resources, Iomega Corporation*

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Jennifer M.J. Yim, *Task Force Director, Administrative Office of the Courts*

\* Resigned



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 Jesse Gallegos, *Director of Community Relations, Utah Department of Corrections*  
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 Al J. Whitehorse, *Probation & Parole Agent, Adult Probation & Parole*

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Haruko T. Moriyasu, *Director, Asian Pacific American Studies Program, University of Utah, co-chair*  
 Filia H. Uipi, *Attorney at Law, co-chair*  
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### Juvenile Disproportionate Minority Confinement Committee

Leticia Medina, *Director, State Office of Hispanic Affairs, co-chair*  
 Dan Maldonado, *Assistant Director, Division of Youth Corrections, co-chair*  
 Lieutenant Mark Nosack, *Sandy City Police Department, co-chair*  
 Honorable J. Mark Andrus, *Second District Juvenile Court*  
 Narda E. Baes-Nordell, *Deputy District Attorney, Salt Lake District Attorney’s Office*  
 Pat S. Berkman, L.C.S.W., *former County Mental Health Director, Salt Lake County Human Services*



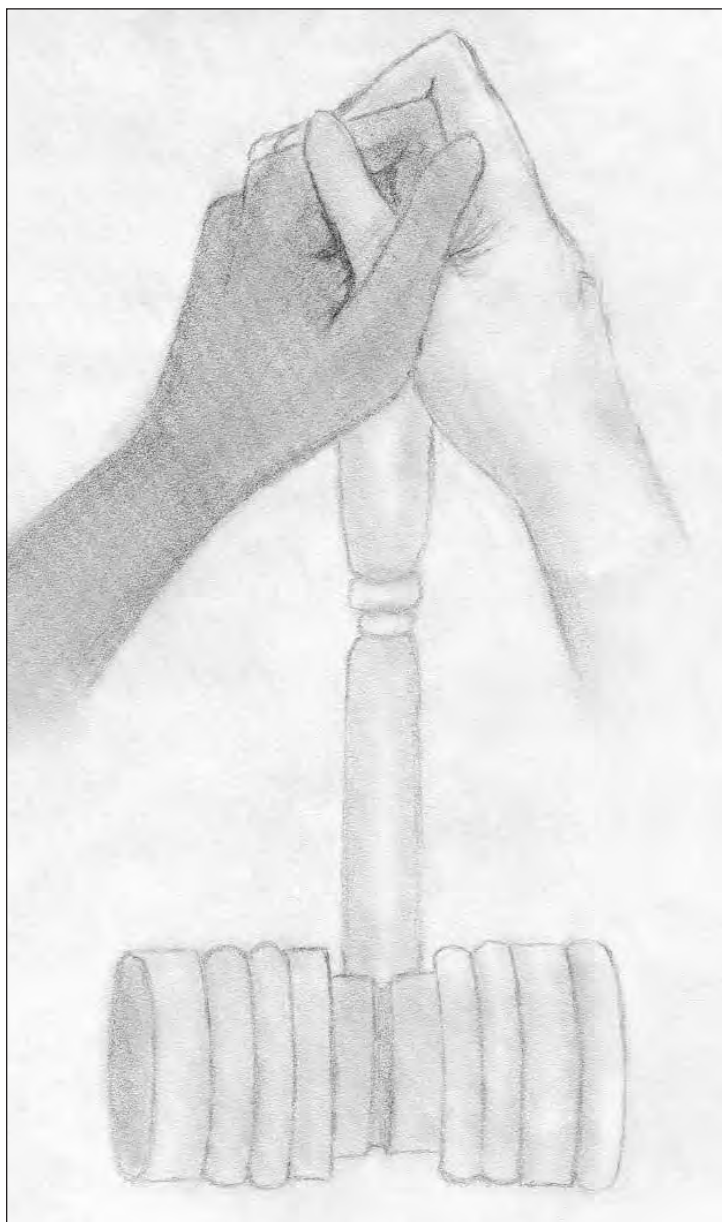
Sergeant Kent Cravens, *Investigator, Salt Lake County District Attorney's Office*  
 Jacob S. Fitisemanu, *Parole Officer, Division of Youth Corrections*  
 Russell N. Hagood, *Chief Probation Officer, Assessment & Diversion, Third District Juvenile Court*  
 Sergeant Ron Stallworth, *Gang Intelligence Coordinator, Criminal Investigations Bureau, Utah Department of Public Safety*  
 Senator Pete Suazo, *Utah State Senate*  
 Honorable Raymond Uno, *Senior Judge*  
 Honorable Andrew A. Valdez, *Third District Juvenile Court*  
 Shirlee A. Weight, *Specialist, Services for At-Risk Students, Utah State Office of Education*  
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 James R. Walker, Ph.D., *former Associate Director, Salt Lake County Human Services*  
 James E. Yapias, *Chair, Hispanic Advisory Council*

## ACKNOWLEDGMENTS

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### Public Hearing Hosts:

Pacific Islander Advisory Council	Migrant JTPA Program for Farm Workers	St. Mary's Catholic Church
St. Olaf's Catholic Church	Sorenson Multi-Purpose Center	Centro de la Familia de Utah
Division of Indian Affairs	State Offices of Ethnic Affairs	Mexican Civic Center
Mexican Consulate	Utah State University Multicultural Student Services	Salt Lake City Multicultural Advisory Committee
Salt Lake Branch NAACP	Salt Lake Community Action Program	Indian Walk-In Center
Ogden Community Action Agency/CSBG	Image de Utah	Utah State Prison
Navajo Utah Commission	White Mesa Ute Council	San Juan School District
Vietnamese Volunteer Youth Association	University of Utah Center for Ethnic Student Affairs	Lao Buddhist Temple
Hispanic Advisory Council	Ethnic Minority Interagency Council	Paiute Indian Tribe of Utah
Southern Utah Hispanic Committee	St. George Police Chief Robert Flowers	former Salt Lake City Councilwoman Joanne Milner
Ute Tribe	Cambodian Buddhist Temple	
Art Access Gallery	Troy A. Barsky	Brushworks Gallery
Calvary Baptist Church	Christine Chow	Cohne, Rappaport & Segal
Sarahi Dehesa-Avelar	Yvette Donosso Diaz	Claudia R. Galvez
David Nuffer	Simon Wiesenthal Center	Tricia Smedley
Utah State Bar Law & Justice Center	Weber State University	United States Attorney's Office for the District of Utah



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August 11, 2000

Honorable Richard C. Howe, Chief Justice  
Utah Supreme Court  
Chair, Utah Judicial Council  
450 South State Street  
Salt Lake City, Utah 84114

Dear Chief Justice Howe:

I am pleased to present you with this report of the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System ("Task Force"). Although this report constitutes the culmination of work begun in March of 1996, it does not purport to present a roadmap for "solution" of the problem of racial and ethnic bias in the justice system. The task of ensuring racial and ethnic fairness in the justice system is never done. It requires ongoing, conscious effort by all the players in the justice system, including the affected minority communities. The report of the Task Force proposes an ongoing, conscious, and coordinated effort across the entire criminal and juvenile justice system, with the Judicial Council and the Administrative Office of the Courts continuing to take a leading role. The plan proposes the transformation of the Task Force from a Judicial Council commissioned body to a true private-public partnership between multiple entities and perspectives which will commit to bringing about real change in Utah.

This proposal has broad support from the affected constituencies, not only the minority communities, but also the leadership of the justice system. The Utah judiciary has a tradition of demonstrated willingness to tackle difficult and uncomfortable issues of fairness within the system. This willingness has earned the judiciary wide respect. For example, the Council and the Administrative Office of the Courts tackled the difficult issue of gender bias in a systematic way. I ask that the Council and the Administrative Office of the Courts continue to support efforts to assure that the legal system operates without bias by taking a similar leadership role in the area of racial and ethnic fairness and by helping to secure the necessary funding to make these efforts a reality.

The Executive Summary provides an overview of the Task Force process and its conclusions. I will not attempt to duplicate that summary here. Instead, I want to take this opportunity to comment on the Task Force process and generally on the issue of racial and ethnic fairness in the justice system.

I first want to note the difficulty of the assignment given the Task Force. Its mission was to address racial and ethnic bias in the justice system. This is the most sensitive and yet intractable issue with which I have ever dealt, on or off the bench. Talking about bias in America with people of different ethnic and racial characteristics is always very difficult. It was no less challenging for the Task Force. The fact that each of us brought radically different life experiences to the table made it hard to find common ground. This problem was compounded in the Task Force context, where we were attempting to address how race and ethnicity affect the operation of the justice system, because those

who run the system are disproportionately Caucasian and those who are charged, convicted, and incarcerated in the system are disproportionately minority. While the entire Task Force acknowledged that minorities are over represented at every stage of the criminal justice system, and that their over representation increases the farther along the system one goes, there was no consensus as to the cause. Some see it as a result of conscious bias; others, as a result of unconscious bias; while for yet others, it is a consequence of socio-economic factors alone. This made reaching consensus difficult at times.

In addition, the process brought unique pressures to bear on the individual members of the Task Force. We struggled in the early days, learning how to talk about bias openly and coming to accept that every member of the task force was operating in good faith. And because each Task Force member was selected from a justice system institution or minority community, to a greater or lesser degree each felt pressures from that institution or community to represent a particular perspective from within that group. At points, these pressures threatened the very operation of the Task Force. However, in the end, the good faith efforts of the members, and the process of working together on a common problem, overcame the divisive tendencies. The result is the unanimous report and recommendations presented to you today.

Second, I think it is worth noting how the Task Force's sense of its mission has evolved. When it began, I think most members hoped we could determine from objective data whether bias against people of color exists in Utah's criminal and juvenile justice system by comparing groups of similarly situated people as they moved through the system. However, as we studied the problem, the severe limitations of the available data collection systems, and the complexity of the required analysis, became apparent. This made it impossible to perform such an objective analysis on any wide scale. The Task Force still pursued evidence of disparate treatment where information was available. But we also shifted our emphasis to address more deeply the question of how minorities see the system, a perspective that furthered our evaluation of the system's racial and ethnic fairness without a comprehensive statistical analysis of its operation.

Fairness is the basic premise of our system of justice. The goal is a fair process that produces a fair result, a system that treats similarly situated people similarly, and does not distinguish among persons because of irrelevant factors. Those of us in the system believe that we accomplish this. But the reality of the justice system in action in the community depends not only on what the system thinks it is doing, but on what the public perceives it to be doing. If any significant portion of the public perceives the system to be unfair in process or outcome, if it perceives it as treating people differently because of race or ethnicity, if it thinks that the system's claim to fairness is illegitimate, then the efficacy of the system is compromised. The practical working of the law in the community depends in large part on voluntary compliance. And voluntary compliance depends, in turn, on how the public perceives the system. This insight led the Task Force to recognize that an important part of its role was to determine the public's perception of the system, for perception matters.

Third, the Task Force's encounter with the issue of racial and ethnic fairness revealed ways in which Utah mirrors the rest of the nation, and others in which Utah has its own unique aspects. The uniqueness comes from the reality that systems are composed of individual players. The players in Utah's justice system that the Task Force encountered have, for the most part, been constructive in building the

necessary dialogue to address the problems associated with racial and ethnic bias. I have been encouraged at the willingness of officials to listen and respond to thoughts as to how they could better do business. Initial resistance to suggestions that the system operates in a biased fashion was encountered, but I was favorably impressed with how readily most were prepared to move on to the merits and to listen. This bodes well for the future.

To the extent that the Task Force found Utah to reflect national trends, I believe we can take no particular comfort in that fact. For example, we have found no evidence that Utahns are any less racially or ethnically biased than those elsewhere, nor did we find that the system is any less insensitive than most to the needs of linguistic minorities, to the cultural characteristics of ethnic groups, to the need for a workforce that is reflective of the diversity of the clientele of the system, or to the impact racial and ethnic factors can have on the administration of justice.

Fourth, a lesson I have drawn from the Task Force process is that the components of the justice system, like most components of government, do a relatively poor job in making themselves readily understood by the public. This characteristic means that many who come into contact with justice agencies do not understand what they have to do to get the agencies to respond to their legitimate needs. For minorities, and particularly for non-native speakers and immigrants, this presents particularly acute problems. While the Task Force recommends that justice agencies engage in better outreach, my experience with government is that over time, this outreach will never adequately address the problem. There will never be enough public money for the task, and the task will inevitably be given a relatively low priority because it is not seen as the agency's primary mission. I think organizations within the various minority communities need to accept some responsibility for educating their members about the justice system, including what the public can legitimately expect by way of service and responsiveness to complaints.

In closing, I would like to stress the importance of advocacy to ensure the future progress of the Task Force's work. While I certainly believe that it should be incumbent upon the justice system to improve itself and to ensure fairness, in reality, it is often persistent, external pressure that continues to motivate change. The support of judges, the legal community and others within the criminal and juvenile justice system is critical to maintaining a continued commitment to implementation of this task force's recommendations. However, it is ultimately the public, particularly our minority communities, that must help push the system to respond. In sum, we must work together to build the partnerships necessary to address this extremely difficult issue. As Andrew Sarris, internationally known film critic has said, "It doesn't take a conspiracy to be racist in America. It takes a conspiracy not to be." We must succeed in our efforts because we cannot afford to fail.

Sincerely yours,



Michael D. Zimmerman

## *Forward* by Judge Tyrone E. Medley

The opportunity to serve as Co-Chair of the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System has been rewarding, memorable and enlightening. We owe a tremendous debt of gratitude to the Judicial Council, Task Force members, Administrative Office of the Courts, other public officials, contributors, volunteers, members of our minority communities and public who participated in the process. The contributions and commitment to this project by Executive Director Jennifer M.J. Yim have been extraordinary and immeasurable.

The guarantee of equal justice under the law is the fundamental foundation of our criminal justice system. The criminal justice system, its institutions, practices and policies must forever be scrutinized and evaluated in an effort to ferret out unequal treatment and to increase the awareness of leaders in all segments of our criminal justice system in appreciating and understanding how personal and institutional ethnic bias and stereotypes can erode the guarantee of equal justice under the law.

The Task Force's search for the existence and extent of ethnic bias in our criminal justice system has been difficult and complex. It can be reasonably argued that old-fashioned overt intentional discrimination is the exception and not the general rule. On these issues, in my opinion, the jury is still out. This report contains findings and more important, recommendations designed to improve our ability to measure the existence and extent of ethnic bias, enhance the sensitivity and cultural competency of key decision makers in the criminal justice system and for diversifying the criminal justice work force all in an effort to guarantee that equal justice under the law is a reality for all of the citizens of Utah without regard to race or ethnicity.

One of the most compelling and important aspects of this report were the 27 public hearings conducted by the Task Force across the state. The public hearing reports and experiences shared were enlightening. For me, it was like seeing my own life flash before my eyes. In my life experience I have been stopped by law enforcement under very questionable circumstances, followed and accosted in retail stores and treated disrespectfully. I believe in good faith that race was a substantial fact in these experiences. I challenge you to talk to most people of color in this community; you will be amazed by the consistency of their life experience on matters of race. The results of the public hearings have been criticized and are controversial. It has been suggested that the public hearings lack validity because the Task Force did not investigate each presentation and that the public hearings at best only suggest the perception of ethnic bias in the criminal justice system. The perception of fairness is nearly as important as actual fairness. The perception of race or ethnic inequality erodes public confidence in the criminal justice system. The majority's perception of the fairness of our criminal justice system is not generally shared by our minority communities. Adherence to the recommendations in this report will encourage understanding of these differences and cultivate resolution.

I am guardedly optimistic and hopeful about the future of Utah's criminal justice system. It is clear there still remains divergent views on the existence and extent of race and ethnic bias in the criminal justice system. Despite this divergence, the members of the Task Force and other participants are unified and have demonstrated a commitment to utilize and employ the recommendations in this report to assure equal justice under the law. We all should have zero tolerance for race or ethnic unfairness whether born from intentional misconduct or cultural ignorance.

I want to extend my personal heartfelt gratitude to everyone that participated in this process. The final test of our service, hard work and commitment will lie in our success in the implementation phase and our ability to accomplish institutional change.



## *Forward* by John T. Nielsen

It has been my great personal pleasure and privilege to participate as a member of this Task Force. Although I have spent the better part of my career in the public policy arena, the experience gained, as a result of participation in this Task Force, has been a significant experience of personal introspection.

While it has been heartening to observe the commitment of so many public officials and others in both the public and private sector to greater cultural sensitivity, it has been equally disheartening to realize that so many individuals in our minority communities feel distrustful, disheartened, disenchanted with the criminal justice system in this state.

Notwithstanding these feelings and perceptions, I believe the findings and conclusions of the Task Force reveal that, with some exceptions, problems experienced by the minority populations in our state rarely stemmed from overt acts of prejudice or disrespect. The findings also indicate that no explicit manifestations of conscious or overt racial bias pervade the system. It seems clear to me, however, that our findings also reveal that there is considerable need for introspection at all levels, greater cultural sensitivity with respect to minority issues, and increased and enhanced communication and understanding.

As a former law enforcement executive, I was particularly interested in the perception of many in the minority communities that the police indiscriminately and without justification stop or make other police contacts with minorities. This procedure was commonly referred to as “racial profiling.” If such procedures are based solely upon race or ethnicity and conducted for the no other reason than to harass and mistreat, then they must stop immediately. On the other hand, police have a legitimate obligation to be proactive in their investigative techniques. Recognizing the sensitivity and the obvious fine line between legitimate police procedure and harassment, law enforcement agencies must exercise the appropriate amount of oversight with respect to police procedure and have the facts to justify the legitimacy of such procedures. Similarly, the minority community must appreciate the duties, obligations and responsibilities of law enforcement in protecting our communities and investigating suspicious conduct and crime.

It is my hope that this report will foster an atmosphere of mutual cooperation and understanding. Where deficiencies exist in cultural sensitivity, they must be immediately addressed. Individuals and institutions must identify and eliminate all vestiges of bias.

This report is only a start. It is not self executing. An ongoing effort must be instituted at both the government and individual levels to realize a society committed to racial and ethnic fairness.





## DEFINITION OF TERMS

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### *Dimensions of Diversity*

Diversity is the representation and inclusion of the unique contributions of multiple groups and/or individuals who differ in various dimensions, such as age, gender, ethnic heritage, race, sexual orientation, and mental and physical abilities and characteristics.

Diversity is also the unique perspectives of individual and group cultural dimensions that further describe populations — first language, education, religion, family status, geographic location, communication style, socioeconomic status, behavioral norms, patterns of thinking, and cultural conditioning.

### *Cultural Sensitivity*

Cultural sensitivity is an awareness that the dimensions of an individual's or population's diversity, their cultural, community and societal environment significantly affect his or her quality of life. These factors also impact the way in which individuals and populations interact cross-culturally with each other, their community and the community at large. The culturally sensitive individual recognizes and accepts with respect the validity of the cultural differences he or she encounters.

### *Diversity/Cultural Competency*

Diversity and Cultural Competency is a deeper knowledge/understanding of the dimensions of diversity that enable individuals to build and implement necessary skills to be more effective in a culturally diverse environment. Ideally, culturally competent individuals not only accept, appreciate, and accommodate cultural difference but develop skills to seek knowledge and actively educate others to interact effectively in multicultural settings.

A culturally competent individual is aware of his/her own cultural values and biases, and how these affect his/her interactions with others. The individual has culture-specific knowledge, is flexible, able to adapt to diversity, and able to be an ally to and be comfortable with individuals who are different from his/herself. He/she communicates effectively across the diverse populations with which he/she may come in contact.

### *Perception*

A theoretical definition used in psychology is the mental process by which sensory or social information is organized and interpreted. As it pertains to this report, the interpretation of information received through personal encounters and experience with the justice system may result in a perception that bias exists.

### *Race/Ethnicity Terminology*

The words that people choose to identify themselves and others represent their culture, traditions, self identity, and their views of others. Utah residents use a wide variety of terms to identify their racial and ethnic backgrounds. The Task Force adopted terminology currently in general use and modeled after U.S. Census 2000 definitions to identify the main racial and ethnic groups discussed in this report. The term used to identify each racial and ethnic group applies to any person of that group regardless of citizenship status. Individuals may choose to use more than one group name to identify themselves fully. However, to provide uniformity, the following identity names, in alphabetical order, have been adopted for this report.

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**African American** A person having origins in any of the black racial groups of Africa.

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**American Indian** A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliations or community recognition. This term is adopted to include Alaskan Natives.

---

**Asian American** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. This area includes, for example, China, India, Japan, Korea and the Philippine Islands.

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**Hispanic** A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

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**Pacific Islander** A person having Polynesian, Melanesian and Micronesian ethnic origin. Polynesians include persons from Tonga, Samoa, Hawaii, New Zealand, and Tahiti. Melanesians include persons from Fiji, Solomons, Vanuatu, New Caledonia, and Papua New Guinea. Micronesians include persons from Guam, Marshall, Federated States of Micronesia, Marianas, and Palau.

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**White** A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

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**Minority** For the purposes of this report, a person whose predominant racial and ethnic origins do not fall within the term White, as defined above. The term is adopted to include only racial and ethnic minorities and people of color.



Artist: Regina Neilson, Age 14, Mantua

# *Executive Summary*

## TASK FORCE STRUCTURE AND HISTORY

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The Task Force was commissioned by the Judicial Council on March 6, 1996 to examine issues of racial and ethnic fairness within Utah's criminal and juvenile justice system. The Judicial Council appointed a diverse membership to reflect the perspectives of both those who administer the criminal and juvenile justice systems as well as the various minority communities. Membership included judges, law enforcement officials, prosecution and defense attorneys, corrections officials, juvenile corrections officials, and members of many of Utah's minority communities. The Task Force was chaired by then Chief Justice Michael D. Zimmerman. Day-to-day operational management was in the hands of Third District Court Judge Tyrone E. Medley and John T. Nielsen, senior counsel to Intermountain Health Care and chairperson of the Utah Sentencing Commission, who co-chaired the effort.

The mission statement of the Task Force was developed by its members through an involved process of consensus building. A premise fact accepted by the Task Force was that minorities are disproportionately overrepresented at virtually all stages of the criminal and juvenile justice systems. The reason for this overrepresentation was a principal concern of the task force. Because of the diverse perspectives the members brought to their assignment, there was considerable difference of opinion as to whether racial and ethnic bias exists within our criminal justice system, and the role any such bias has in the disproportionate representation of minorities in the system. Consequently, the Task Force's mission statement, adopted on September 25, 1997, is set forth below.

*The Utah Task Force on Racial and Ethnic Fairness exists to organize and lead the effort to honestly examine and address real and perceived bias toward racial and ethnic minorities within Utah's criminal justice system. The Task Force shall conduct necessary research, develop and disseminate findings and recommendations, advancing and advocating in all quarters for the implementation of those recommendations.*

*The primary activities of the Task Force shall include:*

1. **Research:** *The identification and utilization of appropriate research methods, the collection and evaluation of the data to determine the extent to which race and ethnicity affect the dispensation of justice through explicit bias and implicit institutional practices. Methods may include, but are not limited to, the utilization of prior studies, surveys, public hearings, focus groups, and the evaluation of existing policies.*
2. **Findings:** *The publishing of findings of the data gathered as a result of the Task Force's assessment. Findings will be published in a final report to the Judicial Council, with preliminary findings available via interim progress reports to the Judicial Council.*
3. **Recommendations:** *The creation and publishing of recommendations for all aspects of the legal system, including appropriate agencies, community groups, and private citizens to ensure equal access to justice. Recommendations shall include appropriate strategies for implementation as recommended by the Task Force.*
4. **Partnerships:** *The development of partnerships both in the legal system and in the broader community to assist in the efforts of the Task Force to include a broad cross-section of Utah's communities, particularly its ethnic minority communities, both in the fulfillment of its mission and in ensuring the implementation of its findings.*

## Partnerships

The creation and maintenance of partnerships was not only an express part of the Task Force's mission statement but also critical to its ability to have an impact on the justice system in Utah. Different types of partnerships emerged in the Task Force's work. The first critical partnership was the creation of a solid working task force, despite members' differing perspectives and approaches. A second type of partnership involved the collaboration of agencies and individuals to produce the data samples and research protocols that made the Task Force's research possible. A third and perhaps the most significant partnership created by this effort has been between the Task Force and the community. An obvious example of this partnership is the public hearing effort. Public hearings were hosted by community based organizations, tribes, multi-ethnic committees, ethnic community groups, and even individuals. The process of working together to stage the hearings was both a learning experience for the Task Force as well as a positive experience of building bridges between various perspectives. Ongoing efforts to communicate with our partners continue to nourish these established partnerships.

All of the partnerships established by the Task Force are vital to future efforts to ensure racial and ethnic fairness. Without the support of both of these segments of society, the Task Force cannot hope to succeed. To achieve equal justice, we must work together, challenging current paradigms and practices and providing the necessary education to both system professionals and community members.



## STATEMENT OF THE PROBLEM

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*While the Task Force's efforts have focused attention on the need to assure racial and ethnic fairness in the criminal and juvenile justice system, Task Force members recognize that this is only one step on the road toward equal justice. Perceptions of inequity and minority distrust of the system, along with reported incidents of cultural insensitivity by those administering the system, combine with the fact that a disproportionate number of minorities are represented at almost every stage of the criminal and juvenile justice system to present challenges to both the justice system and society at large. Task Force members believe that by providing a plan of action to which its diverse membership is committed, and to which it is hoped members of the broader public can subscribe, Utah will make further progress toward the goal of both perceived and real equal justice for all.*

### Perception Versus Reality

A significant part of the Task Force's deliberations involved the discussion of the perception of bias versus the reality of bias.

On the perception front, Task Force members were told that many in the minority community believe that there is widespread racial and ethnic discrimination within the justice system, and that this is a deeply held belief. This raised several questions for the Task Force. First, how widespread and deeply held is this perception? Second, how does its mere existence affect the justice system? And finally, can the truth of the perception be determined?

On the reality front, the Task Force started with the fact that minorities are disproportionately represented at each stage of the justice system. Importantly, overrepresentation increases incrementally as one progresses through the system, resulting in greater disproportionality at incarceration than at arrest. An aim of the Task Force was to determine whether the cause of this overrepresentation can be ascertained with certainty. One hypothesis is that crime is driven primarily by socio-economic factors, with criminal conduct being linked to low socio-economic status. Because minorities have historically tended to be overrepresented in the lower end of this spectrum, it should be expected that minorities will be overrepresented in the criminal justice system. Actual bias in the administration of justice is not the cause of this overrepresentation. An alternative hypothesis is that whatever linkage may exist between socio-economic status and crime, that linkage is insufficient to explain the degree of disproportionality present in the system, and particularly the fact that minorities tend to increase in concentration the farther into the system one looks. Moreover, this theory is inconsistent with the common experience of individual members of minority communities of what appear to be specific instances of unequal treatment by those running the justice system. In this view, actual bias is present in the justice system just as it is present in society at large. The Task Force hoped to determine which of these hypotheses was true.

### *Perceptions of Bias*

There is an ongoing public debate about whether perceptions of bias are significant. The Task Force maintains that perceptions of bias are significant and worthy of direct attention. First, individual perceptions, to the extent that they are based on personal encounters with the system, may provide significant anecdotal evidence of actual bias in the administration of the system. Second, even if actual

bias cannot be shown to exist, the perception of bias in Utah's criminal and juvenile justice system constitutes a public relations problem, where the system's efforts to provide equal justice are at best unacknowledged, and at worst, subverted by inaccurate perceptions. This is because the justice system depends in large part on public acquiescence in its claims of legitimacy. This claim depends in significant part upon the system operating fairly, treating those with similar situations in a similar manner. Therefore the system's efficacy is undermined when any significant portion of the public rejects those claims of fairness and legitimacy. Administering the criminal justice system within that portion of the public is at risk of becoming primarily a matter of asserting power rather than earning the public's respect.

### *Real Bias*

The Task Force looked for evidence of real bias by an examination of the system for statistically significant outcomes that varied by race and ethnicity. Such an effort requires analysis of the experience of large numbers of Utahns with the justice system. To do this, the Task Force had to examine database samples to attempt to establish the existence and extent of any real bias. This focus on systemic disparities of treatment between minorities and non-minorities was not intended to dismiss the importance of individual instances of intentionally discriminatory treatment, as well as cultural insensitivity. However, the Task Force considered at least as important the question of whether the system as a whole operates so as to discriminate against minorities, even if many individual decision makers within the system do not appear to be acting with an intent to discriminate. A primary aim of the Task Force is to find ways to make the system more able to administer equal justice for all regardless of race and ethnicity.

### **Data Challenges**

One of the largest challenges facing the Task Force has been the limitations of data for the purposes of research and examination. Throughout its work, the Task Force encountered one or more of the following barriers to doing adequate research.

- *Low frequency with which race data is entered in database fields.*
- *Questionable reliability of race data in existing databases.*
- *Low frequency with which race data is collected.*
- *Policy changes.*
- *Utah population size.*
- *Challenges of coordination between segments of the system.*

Taken together, the data challenges made aspects of the Task Force's research, particularly its statistical research, difficult, time consuming, and at times, ultimately frustrating. One of the specific goals of the Task Force was to attempt to determine those points in the process where decisions are made that sort out minorities for harsher treatment and to look closely at data about those decisions. Unfortunately, the lack of consistently collected comparable and relevant data made any such analysis very difficult. This meant that the Task Force was unable to answer with any certainty the question of



why minorities are increasingly represented the further one proceeds through the system. Because this question is at the core of the differing perceptions held by various groups and individuals about the presence of racial and ethnic bias in the justice system, the Task Force firmly believes that there must be a strong ongoing commitment to look into the issue. To do that, a much better job of data collection must be done throughout the system. The importance of this effort cannot be overstated. Ultimately, the ability to conduct meaningful research and to gain some clear empirical understanding of what is happening within the system to racial and ethnic minorities depends upon the system's willingness and dedication to collect these data in a usable, consistent, researchable fashion. Finally, Task Force members also underscore that the mere process of tracking data itself sensitizes those who are making decisions in the system, often resulting in less disparity over a period of time.

## Needs Assessment

The Task Force conducted a number of different research projects regarding real and perceived racial and ethnic bias. While individually the studies have interesting aspects, what is most significant to the work of the Task Force is how the studies interrelate and combine to yield a needs assessment of the criminal and juvenile justice system as it relates to racial and ethnic fairness. This needs assessment is presented in the following thematic sections: Workforce: Recruiting/Hiring, Training, Interpreting, Community Resources/Outreach, Complaint Processes, Administration, Data, Research, and Media. Please refer to the full report for detailed information about the supporting research results as well as individual recommendations targeted at specific entities. Also contained in the main body of the report are *What's Being Done* sections, which acknowledge some current efforts to address issues of racial and ethnic fairness in the criminal and juvenile justice system in Utah.

*The Task Force's research projects are listed below:*

- *Adult System Research*, by Social Research Institute, University of Utah (SRI)
- *Community Resources Committee Report*
- *Courts Committee Report*
- *Disproportionate Minority Confinement Committee Report on the Juvenile Justice System*
- *Research Proposal Outlines for Further Study*, by SRI
- *Interviews with Women of Color in the Legal Profession on Racial and Ethnic Fairness in the Legal System*, by Nicholas Woolf, M.A.
- *Law Enforcement Data Collection Proposals*, by SRI
- *Minority Overrepresentation in the Utah Juvenile Justice System*, by SRI
- *The Perceptions and Experiences of Female Attorneys of Color in Utah's Judicial System*, by Yvette Donosso Diaz, J.D.
- *Perceptions of Racial and Ethnic Fairness in the Criminal Justice System: Listening to Utahns, A Client Committee Report on the Public Hearings*
- *Pre-Adjudication Committee Report*
- *Post-Adjudication Committee Report*

- *Representation Committee Report*
- *Report on Interviews with Attorneys and Judges on Racial and Ethnic Fairness in the Legal System*, by Nicholas Woolf, M.A.
- *Report on the Public Hearings of the Utah Task Force on Racial and Ethnic Fairness in the Legal System*, by Nicholas Woolf, M.A. and SRI
- *Salt Lake County Jail bookings data analysis*, by John Collette, Ph.D and Terry Allen, Ph.D.
- *Victims research*, by Professors Linda F. Smith and Paul G. Cassell, University of Utah College of Law

## Workforce: Recruiting/Hiring

A number of factors make workforce diversity a complex issue. First, comparison numbers are problematic. The Task Force considered several possible comparison data sets, including comparing workforce composition to the general population, to the eligible workforce, and to the composition of the client base. Second, even when the best comparison numbers are determined, accurate data are often difficult to locate. Data are not necessarily kept and thus create a problem in determining baselines as well as progress in this area. Third, employment issues can make it difficult for some agencies to maintain adequate employment levels let alone achieve racial and ethnic diversity. At the same time, the Task Force believes that there is much that agencies can do to broaden their recruitment efforts to minority communities in ways that might help overcome other employment issues.

Given these challenges, the Task Force still attempted to collect workforce composition data. While results from individual segments of the justice segment vary in their inclusion of minorities (see main report), the criminal and juvenile justice system workforce as a whole is not representative of the Utah population nor of the population served. Perception data corroborates this need as well, showing that both the public and participants within the system (e.g., judges, attorneys, community program staff) believe that increased workforce diversity would help alleviate problems and potential problems related to racial and ethnic bias.

In addition to workforce composition, there is the issue of recruitment of minorities. In most instances, the criminal and juvenile justice system as a whole does not make an active, concerted effort to recruit, hire, retain, and promote minorities. A common response to Task Force inquiries was simply that minorities choose not to apply for positions. Task Force members believe that most entities, governmental and private, could become more proactive in this area, and its recommendations encourage agencies to begin collaborating with communities to increase their abilities to recruit a diverse applicant pool.

One Task Force sponsored analysis of the public hearing transcripts states that, “[s]trong and frequent requests were expressed for increased minority participation in all facets of the justice system: police, attorneys, judges, review boards, and administration. Representation came closest to being seen as the silver bullet that would ease unfairness system-wide, a single solution to the varied problems expressed.”<sup>1</sup> While it is doubtful that any singular change will have such a great impact, this issue of workforce diversity and recruiting of minorities to full participation in the criminal and juvenile justice system is a significant one for the full Task Force.

*THEME Recommendation: To assist the criminal and juvenile system in ensuring that the system is responsive to the culture and language needs of minorities and is accessible to those who utilize it, all entities should have a workforce that includes minorities within their job groups. Recruiting and hiring should be based on requisite skills. All entities should assure nondiscrimination in all conditions of their employment practices.*

## Training

Much of the Task Force's work led it to make training recommendations. Members viewed the lack of cultural competency training as a problem in and of itself. In addition, training became a potential remedy for other problems noted in the system (e.g., insensitive comments, stereotyping, workforce diversity inadequacies). Not all of this section's recommendations are for cultural competency training (see main report). Some relate to the appropriate use of interpreters, immigration matters, and psychological evaluations. However the bulk are about the issue of culture.

As mentioned in the Definitions section of this report, cultural competency is defined as a "deeper knowledge/understanding of the dimensions of diversity that enable individuals to build and implement necessary skills to be more effective in a culturally diverse environment." Culturally competent individuals appreciate differences, are aware of their own cultural values and biases, and can communicate effectively across diverse populations. The Task Force expressly does not advocate a singular position in terms of culture or political outlook. *Training should provide exposure to different perspectives, backgrounds and cultures, not advocating or mandating certain thoughts, but rather providing skills with which to work effectively within increasingly diverse environments. The goal is not to have all people in the workplace agree on lifestyle, culture or political thought, but rather to provide exposure to different approaches and skills regardless of personal values and lifestyles.*

The Task Force finds that while many segments of the justice system offer diversity training, either as a part of initial training or as an occasional subject for elective training, few if any, offer ongoing, mandatory training aimed at providing cultural competency skills. The need for this training can be found in the Task Force's research results.

For example, the report analyzing the public hearing transcripts notes that "the overall sense of the stories is that unfair and oppressive treatment is pervasive, long standing, and getting worse."<sup>2</sup> The report found that "[e]ducation and training were repeatedly proposed as the way to bring about change. Two separate themes emerged: transformation, that is, education to transform the values, attitudes, and behavior of both discriminators and discriminatees; and information, to level the playing field that is currently heavily tilted against minorities who do not have the necessary knowledge about the justice system to act in their own self interest."<sup>3</sup>

A similar report based on interviews with Utah attorneys and judges found that the attorneys tended to believe that "racism is pervasive in the justice system, and is often subtle, denied, or hidden," whereas the judges revealed the stated ethos that "courts are fair to minorities, and the contradictory views of various other groups are only perceptions and alternative perspectives that may be understandable, but contrast with reality as they see it."<sup>4</sup> Nonetheless, comments from a judge and an attorney proposing judicial training to address issues related to cultural sensitivity are included in the

report. A final example is a survey of administrators of community resource programs that yielded comments demonstrating training needs. When asked if respondents had personally observed racial bias in the last three years, several comments cited the behavior of individual judges.

*THEME Recommendation: Every segment of the criminal and juvenile justice system should have appropriate and continuous training aimed at achieving cultural competency to help ensure racial and ethnic fairness. Existing resources, such as the joint council chairs of the State Offices of Ethnic Affairs and other diversity and multi-cultural programs throughout the state, should be utilized in the development of such training.*

## Interpreting

In the area of interpreting, the Task Force has relied on the findings of several subcommittees.

- The Pre-Adjudication Committee found that, “[a]t present, law enforcement agencies are not prepared for or capable of taking care of non-English speaking citizens adequately,” and “[t]he problem of competent interpreters as it now exists will be compounded by the continued growth of non-English speaking minorities.”<sup>5</sup>
- The Representation Committee found that the lack of interpreters and the quality of interpreting result in injustice for some limited-English proficient minorities.<sup>6</sup>
- The Courts Committee report had a section on Translation/Interpretation/Language Barriers. They found that “the Administrative Office of the Courts has been very active in the court interpreter field.” The Committee noted a lack of interpreters available in a sufficient number of languages outside of the Salt Lake area and no Utah certification program for spoken languages other than Spanish. The committee also noted a lack of court employee appreciation for the role of court interpreters.<sup>7</sup>
- The Juvenile Disproportionate Minority Confinement Committee found that interpreters are often not available to law enforcement and other agencies outside of the court system.<sup>8</sup> In addition, they found that “non-English speaking parents who don’t receive adequate understanding of the charges and/or sentencing are hampered in helping their child be successful either through the court process or post-adjudication.”<sup>9</sup> The SRI research on the juvenile justice system report found that in staff focus groups, juvenile justice professionals “asserted that bias occurs due to language barriers. That is, when staff are not able to speak the language of the youth and their families, youth do not receive fair treatment.”<sup>10</sup>
- The Community Resources Committee found that language barriers impede access to services, as in-patient treatment programs do not exist in Utah for individuals who do not speak English.<sup>11</sup>

Other Task Force research further supports the need for improved interpreting services. For example, the public hearing transcript analysis notes categories of participant statements such as “experiences of lack of access due to language barriers included the critical role of interpreters in communicating effectively with the justice system,” and “general experiences of lack of access caused by

language barriers.”<sup>12</sup> Major concerns regarding interpreters included the distinction between bilingual and bicultural interpreters, the lack of qualified interpreters, and the reluctance of police and courts to make special accommodations for those with language barriers.

The report on the attorney and judges interviews echoes this language barrier problem. Judges were very concerned about issues of interpreters and interpretation mentioning “the impossibility of fully compensating for a lack of English speaking skills; the need for interpreters to understand the culture as well as the language; the varying quality of interpretation; and the difficulties of reliably providing interpretation.”<sup>13</sup> One report on interviews with women of color attorneys found that “language barriers were a big concern of the participants. The participants felt that judges ‘shut down’ and are disrespectful to people who are obviously of different ethnic or racial background, especially when there is a language barrier.”<sup>14</sup>

Finally, the Pre-Sentencing process report by SRI found that interpreters used by Adult Probation & Parole are from the same pool of interpreters used by the courts. While investigators expressed confidence in the quality of interpretation, they acknowledged that interpreters are often not of the same cultural background as the defendant which could cause “misrepresentation of information to an investigator.”<sup>15</sup> Investigators also acknowledged that pre-sentence reports written via an interpreter are often shorter and with fewer “collateral contacts” than those where an interpreter is not needed.<sup>16</sup> For example, the report states, “it is often the case that an interpreter will hear several paragraphs of dialogue from a defendant, and then respond to the investigator with a few short sentences.”<sup>17</sup> Ultimately, the report recommends that “services for interpreters should continue to be a top priority for AP&P. Language barriers are recognized, but only sufficient numbers of interpreters can reduce the language barrier.”<sup>18</sup>

*THEME Recommendation: All criminal and juvenile justice system entities should provide quality interpreting to those with limited English proficiency.*

## Community Resources/Outreach

A major focus of the Task Force’s work, both in its research and its work to build partnerships, has been related to Community Resources and Outreach. Much of the research has pointed to a serious “disconnect” between communities of color and the justice system. The need for better communication and information flow between these groups constitute a significant portion of the recommendations of this report. The recommendations below address three major categories of Task Force findings.

- There is a significant need for public education about the criminal and juvenile justice system.
- There is a lack of mechanisms in the justice system to encourage full participation by racial and ethnic minorities.
- There tends to be inconsistent and often inadequate cooperation and collaboration between system and community entities.

*THEME Recommendation: Educational and informational efforts by all are needed to ensure racial and ethnic fairness and representation in the criminal and juvenile justice system.*

## Complaint Processes

Research related to complaint processes significant to the Task Force emerged as a result of the public hearing process. The Task Force then conducted research into the complaint processes of law enforcement agencies.

Public hearing participants raised multiple concerns about law enforcement complaint processes at numerous hearings. Participants expressed concerns that ranged from a lack of feedback or inadequate feedback from agencies after filing a complaint, to a concern about never being contacted to provide testimony, to concerns about a lack of meaningful civilian or public input into the process, to feelings of intimidation and fear of harassment that kept individuals from filing complaints. While the purpose of the hearings was not to establish fact but rather perceptions, the frequency of the comments raised the concern of several Task Force members both about the public's knowledge of how complaint processes work as well as the actual process itself.

The Task Force also collected information on complaint processes via its comment period. The Task Force received written comment from several law enforcement entities in the state. Some of these agencies submitted their views regarding the complaint processes, both expressing concern about some of the proposed Task Force recommendations and providing information about its current process. Factual information about the current practices of law enforcement, submitted during the comment period, are included in the *What's Being Done* sections in the main body of this report.

The Task Force faced a number of challenges in making constructive recommendations in this area. Part of the difficulty stems from the fact that law enforcement agencies fall under almost as many sources of authority as there are different agencies. Municipal police departments, county sheriff's offices and statewide law enforcement are all independent from one another and have a vast range of sizes, resources, and jurisdictions. These variations in law enforcement are compounded by rural versus urban differences and ultimately make it difficult to recommend improvements that will be both viable and helpful. For instance, while a recommended solution may work well in an urban environment, it may be less cost effective, or even less constructive to implement in a rural setting. The Task Force believes that complaint processes can be improved despite these variations. And its members felt strongly enough about this issue that it chose to address it directly with the recommendations below.

Finally, the Task Force acknowledges that the goal of this section's recommendations, as stated in its overall theme is to make the complaint process user-friendly, allowing individuals to be free from harassment, intimidation and retaliation. The Task Force hopes that reaching this goal will address the perception of little or no confidence that complaints will be adequately addressed and that it will provide law enforcement agencies with a productive mechanism for investigating potential problems.

*THEME Recommendation:* Complaint processes should be user-friendly, allowing individuals to file complaints in a non-intimidating environment and free of harassment, retaliation and retribution.

## Administration

Many of the Task Force's recommendations are administrative in nature, that is, they require policy changes and decisions by management to effect change. Specific recommendations in the main



body of the report address groups such as the Utah Legislature, county and local governments, criminal and juvenile justice system agencies, and the Utah State Bar. As noted by one of its subcommittees, “certain aspects of racial and ethnic fairness in the criminal justice system are best affected by the decisions, attitudes and examples of leadership.”<sup>19</sup>

### *Hate Crimes*

As a result of its sponsorship of the *Changing Face of Hate*, a statewide symposium on hate crimes (see *Task Force Structure and History* section for more details), the Task Force received a significant amount of input on this issue, from community groups, individuals, professionals, and national experts. This two-day educational dialogue session revealed an unmet need for a safe and central location for hate crimes prevention and education.

### *Racial Profiling*

Racial profiling by law enforcement has been a major issue for the Task Force. The first mention of racial profiling came during the public hearings. Task Force members are clear that these public hearings were not meant to establish fact, but instead, as the Woolf report states, the public hearings were “explicitly intended to gather and understand people’s perspectives and interpretations of their experience of racial and ethnic bias, rather than to attempt to establish in any objective way whether such bias does or does not occur.”<sup>20</sup> While the Task Force has received criticism for relying on this type of research, it should be noted that the report identifies only consistent themes expressed by many people at many hearings.

The public hearing analysis report contains a section specifically addressing profiling as a theme of unfair treatment mentioned during the public hearings. The report states,

Profiling is a term used by many respondents to describe experiences of being stopped, followed, harassed, or singled out of a group by a police officer, on the basis of appearance, without any suggestion that a specific wrongdoing has occurred. Profiling is described as part of the normal, everyday experience of minority life, regardless of social standing or position. Many people indicate that profiling has increased in recent years, and most have accepted profiling as a part of life that must be endured.<sup>21</sup>

In addition to comments made at public hearings, other qualitative Task Force research reveals that attorneys, judges, and juvenile justice system personnel also believe that racial profiling occurs. Due to this preponderance of qualitative input, the Task Force attempted to determine if indeed the existence of racial profiling could be established in Utah.

While many groups and individuals from a variety of different perspectives have attempted to prove whether racial profiling exists, no one has been able to provide conclusive results. The Task Force worked with law enforcement data specialists and chiefs of police from several major urban enforcement agencies in the state to attempt to analyze databases for profiling. A large number of data challenges served as major obstacles that ultimately precluded the Task Force from determining if racial profiling exists.

The Task Force did ask its research consultants to formulate an assessment of each of these agency databases and to determine what data fields would need to be collected in order to conduct a future study of racial profiling in Utah. Consultants also completed an analysis of the Utah Highway Patrol database to determine what data would need to be collected and which of these fields are already being collected.

The topic of racial profiling exists nationwide. It is also a controversial, divisive topic. The existence of racial profiling in Utah is still hotly debated among Task Force members. However, all Task Force members agree that law enforcement administrators and directors should not tolerate police conduct in decision making that is based solely on race or ethnicity. Task Force recommendations on this issue are aimed at helping to ensure that racial profiling does not have the sanction to exist here in Utah.

### *Legal Representation*

The quality of legal representation was raised repeatedly in the research. The public hearings noted a “lack of professional standards of representation” as well as an “unavailability to minorities of private attorneys due to unaffordability, and the unavailability of interest and concern from public defenders. Two separate forms of unfairness were thus coupled and intensified: unfairness due to low economic status, and unfairness due to the apparent lack of interest in the fate of minorities in the current public defender system.”<sup>22</sup>

In the juvenile justice study by SRI, system personnel concurred, saying that “because minority youth are often from lower-income families, they may have inadequate representation in court. According to staff, such legal representation results in more severe dispositions for minority youth.”<sup>23</sup> While the Representation Committee’s survey of attorneys regarding caseloads did not yield strong feelings of negative impact upon minorities, the Committee did find that the “impact of a lack of resources on rural public defenders points to a disparate impact upon the adequate representation of racial and ethnic minorities because the percentage of minorities in several rural counties is higher than that of the state as a whole.”<sup>24</sup>

### *Adjudication*

The sentencing process received considerable attention by the Task Force. The Social Research Institute (SRI) assessed the pre-sentence investigation (PSI) process. The report established areas of the process that had potential for bias: first, the lack of adequate workforce diversity of pre-sentence investigators yields the potential for less cross cultural experience and thus the possibility of bias, and second, the lack of cultural competency training for contract pre-sentence investigators. Additionally, the report noted that feelings of mistrust for the investigator, feelings that may result from cultural difference, could cause a defendant to be reluctant to reveal personal history information that could in turn hurt the defendant’s sentencing outcome to a certain degree.

Since judges tend to follow the recommendations of the pre-sentence report approximately 90 percent of the time,<sup>25</sup> the Task Force sees this process as critical to ensuring racial and ethnic fairness in sentencing. An analysis comparing pre-sentence investigation recommendations to Utah sentencing



guidelines and to the actual sentence imposed formed a focal point of the research on sentencing. One of the challenges of this analysis was the small sample size. When controlling for the effect of criminal history and types of offense, the resulting numbers for comparison were often too small to draw statistically reliable results. However, there were some instances that allowed for analysis. The analysis looked for agreement and disagreement between the pre-sentence recommendation, the sentencing guidelines, and actual sentences and found the following:

- *When comparing the three largest offense categories: property, drug, and sex crimes for the least severe 3rd degree crime and the least serious criminal history, very little difference existed between the pre-sentence investigation recommendation and the actual sentence. Almost all of the individuals, regardless of race, received probation.*
- *There appears to be a high level of agreement between the PSI recommendations and the actual sentence for both minorities and Whites (89.2% and 93.0%).*
- *There is significantly less agreement between the pre-sentence recommendations, sentencing guidelines, and the actual sentence for minorities than Whites.*
- *In the Third Judicial District, judges tend more often than in other locations to depart from the pre-sentence recommendation made by Adult Probation & Parole (AP&P) for minorities.*

In light of these findings, however preliminary, the importance of a non-biased pre-sentence investigation process becomes paramount.

### *Juvenile Justice*

Recommendations related to the administration of juvenile justice in Utah have their origins in issues raised at public hearings and in research conducted by the Social Research Institute (SRI). Statements at public hearings included those that expressed “the improper bypassing of parents in juvenile situations,”<sup>26</sup> “despair at not being heard by the system,”<sup>27</sup> and “extreme powerlessness in the face of a justice system they did not understand, that did not understand them, and in which the power differences between themselves and those in authority were so great that resignation and inertia seemed to be the only rational responses.”<sup>28</sup>

*THEME Recommendation: All components of the criminal and juvenile justice system should not tolerate racial or ethnic bias or discrimination in their agency. All such agencies should evaluate their policies and procedures for any disparate impact upon minority populations.*

## DATA

The recommendations contained in this section of the report respond primarily to research obstacles that the Task Force encountered in the course of its work.

### *Discussions of Data Need*

The Task Force held extensive discussions on the need for racial and ethnic data in the criminal and juvenile justice system. It must be acknowledged that there are risks inherent to collecting such data.

The collection of such data can potentially be misused in situations that could result in increased racial bias. The collection of data can sometimes serve to inflame situations of contact between staff and clients (i.e., police - citizen contacts), or at least draw attention to issues of race where none may exist. Task Force members were acutely aware of these risks in their discussions. In addition, some criminal and juvenile justice system members of the Task Force stated their reluctance to collect such data based on their understanding that it was improper to do so. The discussions yielded the following agreements about the collection of race data.

1. Members reached the agreement that *the need to collect the data outweighs the risks associated with collection*. Minority Task Force members stated the importance of understanding the problem at the same time as they urged that necessary precautions be taken to guard against improper use of the data.
2. The group agreed that *race and ethnic data should be kept separate from the decision making process*. For example, race data should be kept on hiring applications but should be separated from the application prior to review by the supervisor. Therefore, data is kept for tracking and research purposes, not staff decision making purposes.
3. *Racial and ethnic community leaders stated their desire that this data be collected and expressed their ongoing interest in knowing what the information yields about the status of race and ethnic fairness.*
4. *The tracking of data often results in increased sensitivity by decision makers in the system*, as it raises the consciousness level about the issue. This increased awareness can result in changed behaviors over time.

With community leaders participating in the Task Force process and the ongoing tracking and interpretation of the data, the Task Force agreed that the collection of race and ethnic data was worth pursuing.

*THEME Recommendation: Data collection of race and ethnicity is necessary for accurate understanding of racial and ethnic fairness in the criminal and juvenile justice system. The entire criminal and juvenile justice system must make a commitment to the proper collection of racial and ethnic data for the sole purpose of system-wide research. All efforts to collect race and ethnicity data should be kept for data purposes alone, and necessary precautions should be taken to ensure against improper use of the data.*

## Research

The research recommendations contained in this report are designed to promote future studies in the area of racial and ethnic fairness. Some studies require changes to data collection practices before completion, as noted in the *Data* section of this report. Other studies can be done immediately and are recommended as follow-up to Task Force research. In several instances, the lead agencies of the recommendations have already indicated their willingness to conduct such research. In a few other instances, actions are already being taken. In such cases, that progress is noted in a *What's Being Done* sidebar.

The main body of the report outlines specific studies that it recommends be conducted. In addition, the Social Research Institute created research protocols and outlines for potential future studies to determine if racial and ethnic bias is present in segments of the system.

*THEME Recommendation: Further research in the criminal and juvenile justice system is necessary for a full understanding of the existence or extent of racial and ethnic bias.*

## Media

While none of the research expressly requested information related to the impact of the media on racial and ethnic fairness in the criminal and juvenile justice system, two studies contained segments that mentioned the media specifically. In the report on the attorney and judges interviews, “[t]he most common explanation for the lack of will in eliminating racial unfairness was the effect of selective media coverage of crime.”<sup>29</sup> And in the SRI research report on the juvenile justice system, the focus groups of system professionals indicated that participants “felt that media create negative attitudes toward minority individuals because of the tendency to exaggerate the crimes committed by minorities.”

Task Force members have also discussed the impact of the media on its own work. Members expressed concern regarding the superficial coverage that tends to be given to issues of race and ethnic fairness versus the seriousness and complexity of the issues at hand. The tendency of this issue to yield tantalizing but unproductive sound bites renders sincere efforts vulnerable to misunderstanding. For these reasons and given these research results, the Task Force makes the following recommendation to the media.

*THEME Recommendation: Media representatives should exercise care so that their reporting does not perpetuate divisions, increase tensions and create misunderstanding about issues related to race and ethnicity in the criminal and juvenile justice system.*

## PLAN OF ACTION

The members of the Task Force believe that while its work has been successful at raising the level of awareness in Utah about the importance of the issues under examination, the key to success is the implementation of its many recommendations. Crucial to that implementation is the creation and support of an implementation process that has the participation and support of the entire criminal and juvenile justice system in Utah and, equally important, support by Utah’s ethnic communities. By unanimous vote, the Task Force has chosen to support the implementation proposal outlined below.

### Implementation Recommendation

The Task Force proposes the creation of a Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System. This body would no longer be solely commissioned by the Judicial Council but would be a collaborative partnership among criminal and juvenile justice system entities and community based organizations in Utah. The Commission would require funding from the Utah Legislature and would have the following elements:

- The Commission would be a stand-alone entity, sponsored by the Judicial Council for the purpose of administrative support by the Administrative Office of the Courts, but would report to the Council just as it would report to any of the other participating entities.

- Membership would include representatives from the entities responsible for implementation (i.e., criminal and juvenile justice system agencies, community based organizations).
- A resolution would be signed by all member agencies to ensure ongoing participation.
- The Commission would publish an annual report to update the public on its progress toward implementation of the Task Force's recommendations.
- Each member agency would be responsible for implementing its own recommendations from this Task Force report.
- Ethnic community organizations would elect members of their choice to represent them on the Commission.
- The Commission would have subcommittees to oversee implementation of system-wide efforts (i.e., cultural competency training, data coordination, public outreach).
- The Commission would conduct an annual evaluation of its efforts including ongoing modifications for improvement and the viability of community sponsorship in 3-5 years.

The above proposal has both participation from key participants in the system and representation from Utah's ethnic communities. Public accountability of the Commission has been written into the proposal by the publication of an annual report that will enable Utahns to assess the level of energy put toward the system changes and provide a tool for continued advocacy by concerned citizens.

## CONCLUDING REMARKS

The Task Force recognizes the importance of continued commitment by all segments of society to ensure that these recommendations become institutionalized and equal justice is assured. In fact, the Task Force encourages and requests both its members and those who are watching its work and progress to continue the encouragement necessary to help ensure successful implementation. Systems of government can and should continue to improve, with issues of fairness being of paramount importance. Much of this report addresses the importance of government action and recommends specific action. Indeed, some of these issues are already in the process of positive change. However, the impetus for continued improvement is often generated by consistent public feedback. The voice of Utah's minority communities is essential in this ongoing dialogue. The Task Force hopes that the public, through a variety of means, including community based organizations, private individuals, community groups, churches, tribes, law firms and professional associations, continue to hold this effort toward racial and ethnic fairness in the public light where it belongs.

# *Task Force Structure and History*

The Task Force was commissioned by the Judicial Council on March 6, 1996 to examine issues of racial and ethnic fairness within Utah's criminal and juvenile justice system. The Judicial Council appointed a diverse membership to reflect the perspectives of both those who administer the criminal and juvenile justice systems as well as the various minority communities. Membership included judges, law enforcement officials, prosecution and defense attorneys, corrections officials, juvenile corrections officials, and members of many of Utah's communities of color. The Task Force was chaired by then Chief Justice Michael D. Zimmerman. Day-to-day operational management was in the hands of Third District Court Judge Tyrone E. Medley and John T. Nielsen, senior counsel to Intermountain Health Care and chairperson of the Utah Sentencing Commission, who co-chaired the effort.

The mission statement of the Task Force was developed by its members through an involved process of consensus building. A premise fact accepted by the Task Force was that minorities are disproportionately overrepresented at virtually all stages of the criminal and juvenile justice systems. The reason for this overrepresentation was a principal concern of the task force. Because of the diverse perspectives the members brought to their assignment, there was considerable difference of opinion as to whether racial and ethnic bias exists within our criminal justice system and the role any such bias has in the disproportionate representation of minorities in the system. Consequently, the Task Force's mission statement, adopted on September 25, 1997, is set forth below.

*The Utah Task Force on Racial and Ethnic Fairness exists to organize and lead the effort to honestly examine and address real and perceived bias toward racial and ethnic minorities within Utah's criminal justice system. The Task Force shall conduct necessary research, develop and disseminate findings and recommendations, advancing and advocating in all quarters for the implementation of those recommendations.*

*The primary activities of the Task Force shall include:*

1. *Research:*            *The identification and utilization of appropriate research methods, the collection and evaluation of the data to determine the extent to which race and ethnicity affect the dispensation of justice through explicit bias and implicit institutional practices. Methods may include, but are not limited to, the utilization of prior studies, surveys, public hearings, focus groups, and the evaluation of existing policies.*
2. *Findings:*            *The publishing of findings of the data gathered as a result of the Task Force's assessment. Findings will be published in a final report to the Judicial Council, with preliminary findings available via interim progress reports to the Judicial Council.*

3. *Recommendations:* The creation and publishing of recommendations for all aspects of the legal system, including appropriate agencies, community groups, and private citizens to ensure equal access to justice. Recommendations shall include appropriate strategies for implementation as recommended by the Task Force.
4. *Partnerships:* The development of partnerships both in the legal system and in the broader community to assist in the efforts of the Task Force to include a broad cross-section of Utah's communities, particularly its ethnic minority communities, both in the fulfillment of its mission and in ensuring the implementation of its findings.

### Subcommittee Structure

In order to complete its research mission, the Task Force relied in part upon the work of its subcommittees. These subcommittees were created in an effort to bring a larger and more diverse group of perspectives to the issues and to bring particular expertise to bear on discrete parts of the system. The Task Force chose a subcommittee structure that was departmentalized along the procedural stages of the justice system. There were seven subcommittees, plus an Operations Committee which provided oversight and coordination to the full Task Force. Operations Committee members were: Daniel J. Becker, Susan V. Burke, Judge Tyrone E. Medley, John T. Nielsen, Lee E. Teitelbaum (resigned), and Judge William A. Thorne. The subcommittees with their respective charges are:

- Pre-Adjudication Committee: to examine those segments of the criminal justice system that occur prior to any appearance in court, with a primary focus on law enforcement;
- Representation Committee: to examine the criminal justice system after arrest, from charging through disposition, with a primary focus on prosecution and defense;
- Courts Committee: to examine aspects of the criminal justice system that relate specifically to the adjudication process;
- Post-Adjudication Committee: to examine the criminal justice system after sentencing, with a primary focus on probation, parole, prisons and jails;
- Client Committee: to examine and evaluate the experiences and perceptions of offenders, victims and their families regarding racial and ethnic fairness in the criminal justice system;
- Community Resources Committee: to examine referrals to community programs, community resources, with a focus on quality and effect of programs on racial and ethnic minorities; and
- Juvenile Disproportionate Minority Confinement Committee: to examine the juvenile justice system for real and perceived bias due to race or ethnicity.

Subcommittees were generally co-chaired by two Task Force members and included about 15 others selected by the co-chairs and approved by the Operations Committee. Subcommittees assisted the full Task Force in detailing its overall research agenda. They also completed their own research and published reports that included their findings and recommendations. These reports were then submitted to the full Task Force during the fall of 1999 for its review and consideration in putting together the Task Force's findings and recommendations. For a copy of these reports, see website <http://courtlink.utcourts.gov>.

### Continuing Education

The Task Force's first efforts focused upon ensuring its members all had common baseline information about the criminal and juvenile justice system and about race and ethnicity issues. Most of these educational efforts consisted of workshops and training sessions for members, staff and, on occasion, subcommittee members. While these educational efforts were concentrated in the early months of the Task Force, ongoing education, particularly through the attendance at national conferences, have continued. A list of major educational efforts by the Task Force follows:

May 1997:	Annual Meeting of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts (select Task Force members and staff)
May/June 1997:	Cultural Sensitivity Training (Task Force members)
December 1997:	Review of Other States' Task Forces (Task Force members)
January 1998:	Introduction to Research Methods (Task Force and Subcommittee members)
January 1998:	Racial Data in Existing Utah Justice System Databases (Task Force members)
March 1998:	Criminal Law and Procedure (Task Force and Subcommittee members)
April 1998:	Annual Meeting of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts (select Task Force members and staff)
April 1999:	Annual Meeting of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts (Task Force staff)
May 2000:	Annual Meeting of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts (select Task Force members)

### Hate Crimes Conference and other Task Force sponsored events

The Task Force was involved with various conferences and events designed to raise awareness of its mission and of the broader question of ethnic and racial fairness in the community at large. One of its major efforts was to collaborate with the U.S. Attorney's Office for the District of Utah, Weber State University, and the Simon Wiesenthal Center to offer a statewide conference that educated community members and legal system professionals about hate crimes, hate groups, and hate on the Internet. The two-day conference, called the *Changing Face of Hate: A National Symposium*, was held on May 17-18, 1999



at the Ogden Eccles Conference Center. The second day was devoted entirely to issues related to bias motivated crimes specifically affecting Utah.

In addition to the hate crimes conference, Task Force representatives spoke to numerous groups including the Utah Minority Bar Association, the J. Reuben Clark Law Society, the State Ethnic Affairs Advisory Councils, Utah's Boards of Judges, the Minority Law Student Association at Brigham Young University, and Law Enforcement Administrators and Directors (LEADS). Task Force representatives also participated in the following conferences: Utah State Courts employee conferences, the Tri-State NAACP conference, the annual Utah Correctional Association conference, the Western Bar Association Conference, Corporate Women Lawyers conference, and the Administrative Office of the Courts annual management retreat. Finally, the Task Force sponsored educational opportunities, largely at judicial education conferences, on topics such as racial and ethnic diversity and immigration.

### **Task Force Research**

The Task Force's research efforts had several components. First, the subcommittees conducted their own examinations of the segments of the system around which they were constituted. Second, subcommittees suggested topics for research by the entire Task Force. Finally, the Task Force itself contracted with the University of Utah to conduct research both suggested by the subcommittees and proposed by the Task Force. There were separate contracts for research on juvenile and adult justice system topics.

Juvenile justice research was funded by Title II monies received from the Utah Board of Juvenile Justice and the Commission on Criminal and Juvenile Justice. That research was contracted to Russell K. Van Vleet, M.S.W. of the Social Research Institute (SRI) at the University of Utah. With the input and advice of the Juvenile Disproportionate Minority Confinement Committee (DMC Committee), SRI completed an extensive study that replicated and expanded an earlier study conducted by Jeffery M. Jensen, Ph.D., et al.<sup>30</sup> The Jensen study, completed in 1995 for the Utah Board of Juvenile Justice, examined the extensiveness and perceived causes of disproportionality and constituted the first major study of minority overrepresentation in the Utah juvenile justice system. The report included research findings and recommendations for system improvement and for further research. SRI replicated this study to provide a longitudinal analysis and to answer an expanded list of research questions that developed from the prior study. Results were provided to the DMC Committee, from which it then wrote its subcommittee report to the Task Force.

The adult criminal justice system research was contracted to the University of Utah via a competitive bidding process. The research was contracted initially to the Research and Evaluation Program. In June of 1999, the contract was transferred to the Social Research Institute. Russell K. Van Vleet, M.S.W. became the primary investigator and worked with the Task Force to create a reasonable research agenda, given the financial and time constraints of the Task Force, which had an initial target completion date of early 2000. Mr. Van Vleet and his research team then proceeded with its work, with a deadline of late November 1999 for results to be submitted to the Task Force. After the Task Force retreat in December (see below), the Task Force contracted subsequent research with SRI to address additional areas of focus. That expanded research was completed in June 2000.



## Retreat

In December 1999, the Task Force held a two-day retreat at Calvary Baptist Church in Salt Lake City. The purpose of the retreat was to hear preliminary research results from the Social Research Institute (SRI) and to discuss the findings and recommendations of the subcommittees to the Task Force. Steve Harrison, Ph.D., reported on the statistical research completed by SRI on the criminal justice system. Bruce Parsons, Ph.D., provided an overview of the qualitative research conducted using the transcripts from the public hearings. And Lynn Holley, Ph.D. presented an overview of the juvenile justice research report completed by SRI. The Task Force also discussed the over 300 findings and recommendations made by the subcommittees. Over the two-day retreat, members eliminated duplications, refined the wording of recommendations, and discussed the merits of conflicting recommendations. Approximately 125 recommendations were approved at the retreat.

## Comment Period

At its retreat, the Task Force chose to create a comment period in order to give those entities to which draft recommendations were addressed the opportunity to respond to the Task Force's proposed recommendations. The purpose of this comment period was to ensure as much as possible that the findings and recommendations were factually accurate, struck an appropriate balance between the ideal and the reasonably attainable, and took account of actual practices within the relevant agencies and communities. In February 2000, the Task Force distributed approximately 500 copies of its proposed recommendations along with a request for written comment. Recipients included the Judicial Council, boards of judges, leadership of the Utah Legislature, Task Force subcommittees, state agency heads, community based organizations, law enforcement administrators and directors, media representatives, interested individuals, and others. The addressees were asked to comment on the following:

1. The factual accuracy of the premises of the recommendations,
2. The feasibility of implementation of the recommendations, and
3. The current status of implementation of the recommendations.

By April, the Task Force had received approximately 25 responses to its request, primarily from criminal and juvenile justice system agencies throughout the state. In addition, three individuals addressed the Task Force directly at its March 28, 2000 meeting. The written responses were furnished to all Task Force members and were taken into account during the process of revision of the Task Force's initial recommendations. Final modifications to recommendations were approved by the Task Force on June 22, 2000.

## Partnerships

The creation and maintenance of partnerships was not only an express part of the Task Force's mission statement but also critical to its ability to have an impact on the justice system in Utah. Partnerships have enabled the Task Force to engage in its research efforts and are viewed by Task Force members as essential to success in the upcoming implementation phase of its work. Different types of partnerships emerged in the Task Force's work.

The first critical partnership was the creation of a solid working task force. Members come from

many different perspectives and backgrounds, posing challenges of communication and style between and among them. Ongoing additions of new members also posed challenges to developing and sustaining rapport among members. In the summer of 1998, the Task Force added two new members. Occasional resignations due to job changes (e.g., Salt Lake District Attorney, the University of Utah College of Law) also necessitated new appointments. In February 2000, the Task Force again added three new members. Notably, these changes have not appeared to hamper the Task Force's working relationships, as recent votes on the recommendations contained in this report and the implementation plan were unanimous in nature.

A second type of partnership occurred surrounding research efforts. Agencies and individuals collaborated to produce data samples and research protocols that made the Task Force's data collection efforts possible. Despite the data collection and analysis obstacles listed in the sections above, considerable progress was made to bring agencies and groups together to look at issues of racial and ethnic fairness.

A third and perhaps the most significant partnership created by this effort has been between the Task Force and the community. An obvious example of this partnership is the public hearing effort (see *Methods* section). Public hearings were hosted by community based organizations, tribes, multi-ethnic committees, ethnic community groups, and even individuals. The process of working together to stage the hearings was both a learning experience for the Task Force as well as a positive experience of building bridges between various perspectives. Public hearing hosts were the experts on the communities they represent, and the Task Force had, and continues to have, much to learn from these groups. Ongoing efforts to communicate with our partners, by special speaking engagements, by working jointly on specific cases of concern, and by ensuring consistent information flow from the Task Force to our partners continue to nourish these established partnerships.

All of the partnerships established by the Task Force are vital to future efforts to ensure racial and ethnic fairness. Many recommendations in this report refer to ongoing and needed efforts both in the system and in the community. Without the support of both of these segments of society, the Task Force cannot hope to succeed. To achieve equal justice, we must work together, challenging current notions and practices and providing the necessary education to both system professionals and community members.

# Statement of the Problem

*While the Task Force's efforts have focused attention on the need to assure racial and ethnic fairness in the criminal and juvenile justice system, Task Force members recognize that this is only one step on the road toward equal justice. Perceptions of inequity and minority distrust of the system, along with reported incidents of cultural insensitivity by those administering the system, combine with the fact that a disproportionate number of minorities are represented at almost every stage of the criminal and juvenile justice system to present challenges to both the justice system and society at large. Task Force members believe that by providing a plan of action to which its diverse membership is committed, and to which it is hoped members of the broader public can subscribe, Utah will make further progress toward the goal of both perceived and real equal justice for all.*

## Perception Versus Reality

A significant part of the Task Force's discussions involved the perception of bias versus the reality of bias.

On the perception front, Task Force members were told that many in the minority community believe that there is widespread racial and ethnic discrimination within the justice system, and that this is a deeply held belief. This raised several questions for the Task Force. First, how widespread and deeply held is this perception? Second, how does its mere existence affect the justice system? And finally, can the truth of the perception be determined?

On the reality front, the Task Force started with the fact that minorities are disproportionately represented at each stage of the justice system. Importantly, overrepresentation increases incrementally as one progresses through the system, resulting in greater disproportionality at incarceration than at arrest. An aim of the Task Force was to determine whether the cause of this overrepresentation can be ascertained with certainty. One hypothesis is that crime is driven primarily by socio-economic factors, with criminal conduct being linked to low socio-economic status. Because minorities have historically tended to be overrepresented in the lower end of this spectrum, at least in part because of racial and ethnic bias in society at large, it should be expected that minorities will be overrepresented in the criminal justice system. Actual bias in the administration of justice is not the cause of this overrepresentation. An alternative hypothesis is that whatever linkage may exist between socio-economic status and crime, that linkage is insufficient to explain the degree of disproportionality present in the system, and particularly the fact that minorities tend to increase in concentration the farther into the system one looks. Moreover, it is inconsistent with the common experience of individual members of minority communities of what appear to be specific instances of unequal treatment by those running the justice system. In this view, actual bias is present in the justice system just as it is present in society at large. The Task Force hoped to determine which of these hypotheses was true.

### *Perceptions of Bias*

There is an ongoing public debate about whether perceptions of bias are significant. *The Task Force maintains that perceptions of bias are significant and worthy of direct attention.* First, individual perceptions, to the extent that they are based on personal encounters with the system, may provide significant anecdotal evidence of actual bias in the administration of the system. Second, even if actual bias cannot be shown to exist, the perception of bias in Utah's criminal and juvenile justice system constitutes a public relations problem, where the system's efforts to provide equal justice are at best unacknowledged, and at worst, subverted by inaccurate perceptions. This is because the justice system depends in large part on public acquiescence in its claims of legitimacy. This claim depends in significant part upon the system's operating fairly, treating those similarly situated similarly. Therefore the system's efficacy is undermined when any significant portion of the public rejects those claims of fairness and legitimacy. Administering the criminal justice system within that segment of the public is at risk of becoming primarily a matter of asserting power.

### *Real Bias*

The Task Force looked for evidence of real bias by an examination of the system for statistically significant outcomes that varied by race and ethnicity. Such an effort requires analysis of the experience of large numbers of Utahns with the justice system. To do this, the Task Force had to examine database samples to attempt to establish the existence and extent of any real bias. This focus on systemic disparities of treatment between minorities and non-minorities was not intended to dismiss the importance of individual instances of intentionally discriminatory treatment, as well as cultural insensitivity. However, the Task Force considered at least as important the question of whether the system as a whole operates so as to discriminate against minorities, even if many individual decision makers within the system do not appear to be acting with an intent to discriminate. A primary aim of the Task Force is to find ways to make the system more able to administer equal justice for all regardless of race and ethnicity.

### **Literature Review**

The Task Force conducted a limited literature review. Staff and Task Force members reviewed the research of task forces from other states. This included an examination of survey instruments and data collection techniques, as well as their findings and recommendations. Subcommittees also looked at relevant research completed by other entities, such as the Sentencing Project, the American Bar Association, RAND,<sup>31</sup> and the National Judicial Education Program to Promote Equality for Women and Men in the Courts. The Task Force examined past local studies, such as the Equal Administration of Justice report to the Utah Board of Bar Commissioners, and considered current complementary efforts, such as the Tribal/State/Federal Court Forum in Utah. In addition, the Task Force's juvenile justice research included a review of literature and a supplementary review of program responses that addressed the causes and extent of minority disproportionality in the juvenile system, other studies of racial bias, prior research on youth-related risk factors, existing policy responses, existing program responses, and theoretical frameworks from scholars across the nation.

## Demographics / Target Population

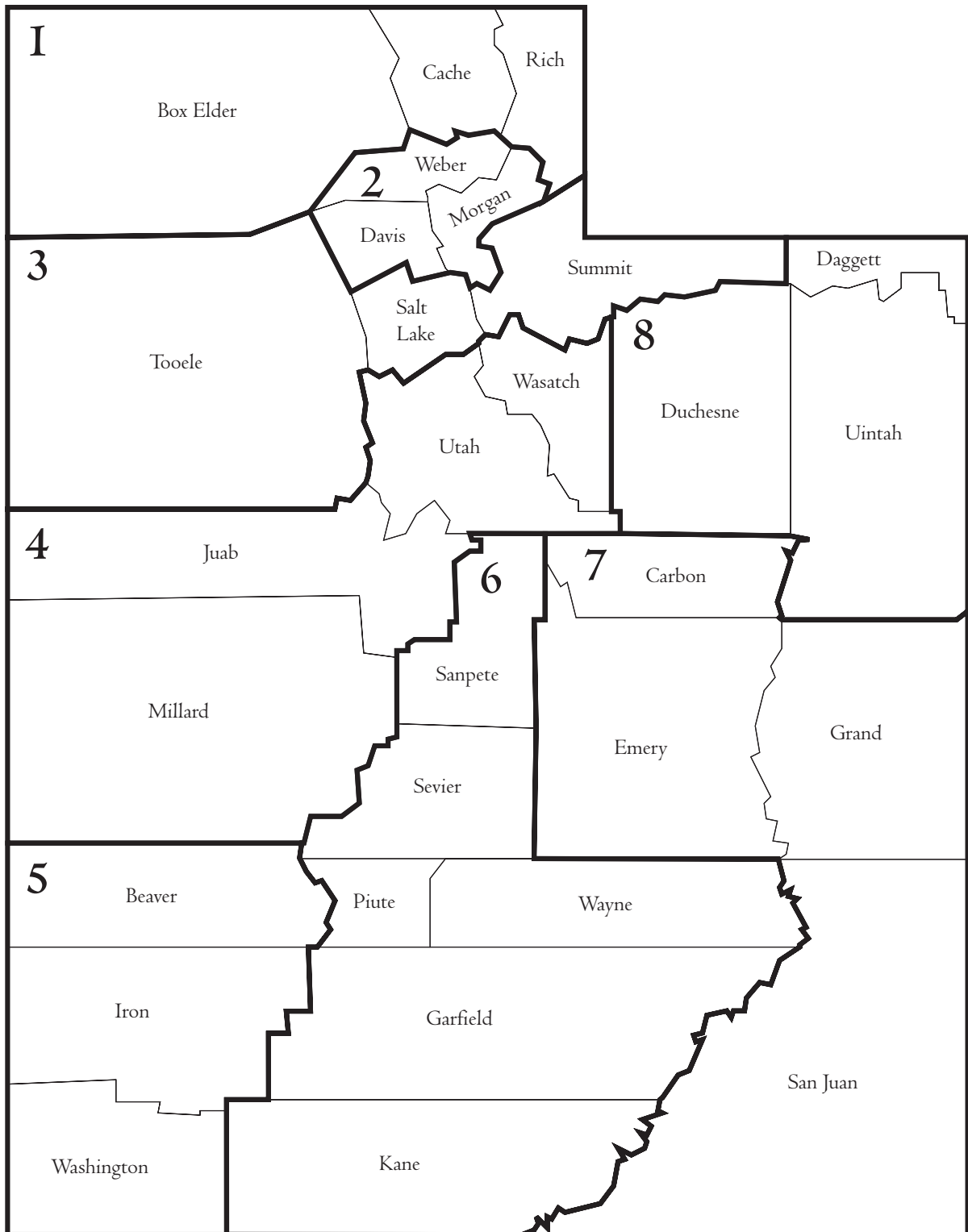
The Task Force focused its efforts on the largest minority groups in Utah, specifically African Americans, Asian Americans, Hispanics, Native Americans, and Pacific Islanders. These populations are all counted by the U.S. Census. Data for the purposes of comparison are provided here. While the data contained in the chart below is the most current available, the Task Force has been in existence since 1996 and has often looked at older population estimates for the purposes of comparison.

### *Racial and Ethnic Population Estimate for the State of Utah 1997*

Source: Population Estimates Program. Population Division, U.S. Census Bureau

	Total Population	White Non-Hispanic	Total Black	Total American Indian	Total Asian & Pacific Islander	Total Hispanic
<b>UTAH</b>	2,065,001	89%	0.86%	1.41%	2.48%	6.44%
Beaver County	5,868	95.10%	0.12%	0.80%	0.54%	3.50%
Box Elder County	41,090	91.70%	0.066%	1.14%	1.50%	5.90%
Cache County	85,690	92.20%	0.38%	0.75%	3.50%	3.40%
Carbon County	20,916	83.70%	0.52%	0.86%	0.79%	14.70%
Daggett County	755	95.36%	0%	1.70%	0.93%	3%
Davis County	226,974	91%	1.43%	0.60%	2.28%	5.18%
Duchesne County	14,265	91%	0.15%	5.45%	0.43%	3.71%
Emery County	10,892	96.35%	0.09%	0.50%	0.43%	2.84%
Garfield County	4,202	96.80%	0%	1.88%	0.31%	1.19%
Grand County	8,103	90.80%	0.26%	2.80%	0.43%	6.05%
Iron County	27,783	94.05%	0.27%	2.95%	0.66%	2.39%
Juab County	7,256	96.75%	0.04%	1.45%	0.23%	1.63%
Kane County	6,068	95.15%	0.08%	1.52%	0.60%	2.69%
Millard County	12,259	92.57%	0.02%	1.79%	1.18%	4.74%
Morgan County	6,909	97.38%	0.16%	0.16%	0.40%	1.95%
Piute County	1,396	97.70%	0%	0.79%	0.072%	1.43%
Rich County	1,814	97.91%	0%	0.06%	0.44%	1.59%
Salt Lake County	841,477	87.020%	1.08%	0.91%	3.56%	8.04%
San Juan County	13,572	42.30%	0.20%	53.36%	0.42%	4.68%
Sanpete County	20,826	91.90%	0.33%	1.22%	1.70%	5.38%
Sevier County	18,015	95.29%	0.07%	2%	0.24%	2.50%
Summit County	25,619	95.99%	0.12%	0.46%	0.66%	2.82%
Tooele County	31,465	82.50%	0.98%	1.59%	1.08%	14.40%
Uintah County	25,441	85.40%	0.06%	10.56%	0.50%	4.10%
Utah County	329,333	93.10%	0.18%	0.74%	1.95%	4.27%
Wasatch County	12,774	95.94%	0.03%	0.70%	0.24%	3.20%
Washington County	79,436	95.39%	0.16%	1.44%	0.79%	2.40%
Wayne County	2,400	96.04%	0.29%	1.67%	0.13%	2.17%
Weber County	182,403	86.74%	1.99%	0.78%	1.89%	9.30%

*Utah Counties and Judicial Districts*



## Data Challenges

One of the largest challenges facing the Task Force has been the limitations of data for the purposes of research and examination. Throughout its work, the Task Force encountered one or more of the following barriers to doing adequate research.

- *The frequency with which race data is entered in database fields.*

In the criminal and juvenile justice system, race and ethnicity data are frequently not contained in electronic databases. Typically, this occurs for one of two reasons. First, as in the case of the Utah State Courts database, race and ethnic data are provided fields for data entry, but those fields are not routinely entered into the database. For that reason, in a number of potential Task Force studies, the use of courts data became problematic because it either necessitated reference to paper files, which is laborious, costly and time consuming, or because it produced data runs with very large “unknown” categories, making the results of the analysis questionable. Therefore the Task Force was required to look elsewhere for more reliable data sets. Second, some databases do not record race or ethnicity, even though the data may in fact be collected in paper files. For example, this is true for segments of the Utah Highway Patrol’s data collection efforts.

- *The reliability of race data in existing databases.*

The reliability of race and ethnic data in existing electronic databases is another problem. For example, in attempting to follow individuals as their cases proceeded through the system, staff and researchers noted that on occasion the race/ethnicity code for a given individual was recorded differently by different segments of the system. The most likely reason for this difference is that in certain instances, race/ethnicity data is “observed” versus “self reported.” In other words, race data is entered by a clerk or staff person who does not ask the individual his/her racial or ethnic identity but simply enters the code that most reflects that clerk’s perception of the individual’s race or ethnicity. If, for example, the jail intake clerk and the court clerk perceive the defendant’s race differently, the race code may be recorded differently as the person proceeds through the justice system. Even when race data remain constant, if collected through observation, they may in fact be wrong. Accordingly, the Task Force often had no way to determine which race code was correct, which seriously called research results into question.

- *The frequency with which race data is collected.*

In many instances, race data are simply not recorded. The lack of this data precludes any meaningful use of information regarding matters to which it pertains without contacting former clients of the system and requesting that they provide race data to researchers. In every such instance, the Task Force was unable to afford the cost of obtaining this data if they were not recorded in either the paper files or the electronic databases. Confidentiality issues also affect collection of these data.



- *Policy changes.*

Major changes in policy have also affected the Task Force's research. For example, the Task Force's attempt to examine sentencing issues was affected by changes in adult sentencing guidelines that took effect in October 1998. Researchers determined that guideline changes were significant enough to call into question the validity of comparing pre-October 1998 cases with those processed after that date. Therefore, the Task Force was limited to approximately one year's worth of data, resulting in a smaller than optimal sample.

- *Utah population size.*

The relatively low number of racial and ethnic minorities living in Utah has also affected the Task Force's data collection and analysis efforts. This fact has made analysis of particular issues by specific racial or ethnic groups unreliable as well as potentially risking confidentiality breaches by identifying individual people of color (e.g. referring to judges from particular minority racial and ethnic backgrounds usually reveals the specific judge in question). At times, the paucity of data for specific minority groups has required the Task Force to only look at comparisons between treatment accorded minorities versus non-minorities because attempting to break the minority category down into racial or ethnic subgroups decreased the sample sizes to levels where statistical reliability was hard to achieve (i.e., the number of Asian Americans convicted of a certain category of crime with a certain criminal history rating produced numbers too small, even over a period of years, to be statistically useful).

Second, the numbers of Utahns of minority backgrounds is likely undercounted by the U.S. Census and other groups, due to the lack of full inclusion of migrant and undocumented populations. These populations can significantly increase the numbers of minorities living in sections of Utah and make accurate data collection even more difficult.

Finally, the overall population size of Utah makes it such that it can take years to gather enough individual cases for analyses of the type attempted by the Task Force. While theoretically possible to use as many years of data necessary to conduct these analyses, policy changes and other social changes make it unreliable to consider too many years of historical data as an indicator of current trends. Thus, the challenges of a relatively sparsely populated state can pose inherent limitations for analyses.

- *Challenges of coordination between segments of the system.*

The Task Force has encountered many data collection and analysis challenges that result from the fact that data is collected and maintained differently by many of the various agencies that constitute the criminal and juvenile justice system. For example, law enforcement agencies across the state have varying practices concerning the collection of racial and ethnic data, and they also have varying ways of categorizing and maintaining that data, including incompatible software systems. Together, these differences often made impossible any detailed compilation and analysis of the information on a statewide basis. Moreover, some smaller agencies do not



have the staff necessary to enter data that may have been collected into electronic storage so that meaningful research can be conducted.

The obstacles these data problems presented were of both a fiscal and temporal nature. Even where the data could theoretically be brought together in a way that would make it useful, the Task Force and the relevant agencies lacked the resources and the time to perform the necessary manipulations. In other instances, the steps needed to put the data in categories that would permit comparison required that it all be reduced to such a low common denominator that it would have been incapable of yielding much useful information. Finally, there was the persistent fact that in many instances, racial and ethnic data were not consistently entered by some agencies in their data bases, making what was there less reliable.

Taken together, the data challenges made aspects of the Task Force's research, particularly its statistical research, difficult, time consuming, and at times, ultimately frustrating. One of the specific goals of the Task Force was to attempt to determine those points in the process where decisions are made that sort out minorities for harsher treatment and to look closely at data about those decisions. Unfortunately, the lack of consistently collected comparable and relevant data made any such analysis very difficult. This meant that the Task Force was unable to answer with any certainty the question of why minorities are increasingly represented the further one proceeds through the system. Because this question is at the core of the differing perceptions held by various groups and individuals about the presence of racial and ethnic bias in the justice system, the Task Force firmly believes that there must be a strong ongoing commitment to explore the issue further. To do that, a much better job of data collection must be done throughout the system. The importance of this effort cannot be overstated. For that reason, the reader will note that many of the recommendations contained in this report refer to the ongoing collection of racial/ethnic data. Ultimately, the ability to conduct meaningful research and to gain some clear empirical understanding of what is happening within the system to racial and ethnic minorities depends upon the system's willingness and dedication to collect these data in a usable, consistent, researchable fashion. Finally, Task Force members also underscore that the mere process of tracking data itself sensitizes those who are making decisions in the system, often resulting in less disparity over a period of time.

## Methods

The Task Force's mission to examine and address real and perceived bias toward racial and ethnic minorities in the criminal and juvenile justice system necessitated multiple research efforts. Those research efforts included public hearings as well as research related to both adult and juvenile justice issues.

### *Public Hearings*

The Task Force's public hearing process was coordinated by the Client Committee and staff. The Committee held twenty-seven separate events across the state, the purpose of which was to listen to experiences and perceptions about racial and ethnic fairness. In other words, the public hearings were conducted to gain a greater understanding of perceptions of racial and ethnic fairness issues in Utah

utilizing qualitative research methods. There were no requests that participants provide evidence to support their statements. Thus, where the factual basis for comments remains unknown, the comments have been utilized to establish the perceptions of bias from the hearing participants.

Twenty-one of the events were full public hearings. Three were called “mini-public hearings” because they reached out to a smaller audience. Three were called “focus groups” because they attempted primarily to provide information about the Task Force along with an invitation to relay stories and concerns. All meetings were open to the public (except for the Utah State Prison hearing), and everyone was invited to comment. Each hearing was hosted by at least one group, selected for their knowledge about a particular community and for their willingness to work with the Task Force to coordinate the event.

Each full public hearing included a court reporter, who created a verbatim transcript of the hearing. Some hearings had one or several interpreters for languages such as Khmer, Lao, Navajo, Samoan, Spanish, Tongan, and Vietnamese. Hearings focused on groups by geography or by ethnicity. Comments were made by members of minority groups and by non-minorities. Some hearings had up to 200 people in attendance. Methods to publicize the hearings depended upon location, guidance by hearing hosts, and the ethnic group(s) targeted. They included public service announcements and informational interviews, flyers at ethnic markets, stores, churches, and media, and other written materials. English and other languages were used as necessary to reach the appropriate audience. A full list of public hearings is provided (see below).

The Client Committee published its report on the public hearings, entitled *Perceptions of Racial and Ethnic Fairness in the Criminal Justice System: Listening to Utahns*, in October 1999 (see <http://courtlink.utcourts.gov>). In addition, research consultants on contract through the University of Utah Social Research Institute conducted a thorough qualitative data analysis of the public hearing transcripts using the ALTAS.ti software program (see below for more information about this study. Also see *Appendices* for Executive Summary of report).

Hearing Location	Hearing Date	Estimated Attendance	Hearing Hosts
Taylorsville City Hall <i>mini-hearing</i>	May 14, 1998	25	Pacific Islander Advisory Council
Migrant JTPA Program for Farm workers, Ogden	July 16, 1998	30	Migrant JTPA Program for Farm workers
St. Mary's Catholic Church, Park City	July 19, 1998	45	St. Mary's Catholic Church, St Olaf's Catholic Church, Carolyn Webber
Sorenson Multi-Purpose Center, SLC	August 15, 1998	50	Sorenson Multi-Purpose Center, Centro de la Familia de Utah, Division of Indian Affairs, Offices of Ethnic Affairs
Centro Civico Mexicano, SLC	August 16, 1998	30	Mexican Civic Center, Mexican Consulate
Centro Civico Mexicano, SLC	August 20, 1998	30	Mexican Civic Center, Mexican Consulate
Logan City Hall	September 2, 1998	70	Office of Hispanic Affairs, Utah State University Multicultural Student Services
Vai-Ko Latai Restaurant & Pool Hall, <i>mini-hearing</i> for Polynesian community, SLC	September 15, 1998	25	Salt Lake City Multicultural Advisory Committee

Central City Community Center, SLC	September 25, 1998	30	Salt Lake Branch NAACP
Sam Smith's home, <i>mini-bearing</i> , SLC	September 26, 1998	25	Salt Lake City Multicultural Advisory Committee
San Felipe's Catholic Church, Wendover	October 7, 1998	0	Salt Lake Community Action Program
Indian Walk-In Center, SLC	October 17, 1998	20	Indian Walk-In Center, Salt Lake City Multicultural Advisory Committee
Centro de la Familia de Utah, <i>focus group</i> , SLC	October 20, 1998	25	Centro de la Familia de Utah
Horizonte Training Center, SLC	October 29, 1998	100	Salt Lake City Multicultural Advisory Committee
West Valley City Hall	November 4, 1998	20	Office of Pacific Islander Affairs
Ogden Community Action Agency	November 5, 1998	150	Ogden Community Action Agency/CSBG, Image de Utah
Utah State Prison, Draper facility	November 18, 1998	25	Utah State Prison
San Juan School District, Blanding	November 23, 1999	40	Navajo Utah Commission, White Mesa Ute Council, San Juan School District
New Hope Refugee Center, SLC	January 23, 1999	25	Vietnamese Volunteer Youth Association
Davis County Library, Layton	January 30, 1999	20	Image de Utah
University of Utah, SLC	February 18, 1999	35	Center for Ethnic Student Affairs
Wat Muni Siratana Ram Lao Temple, <i>focus group</i> , Sandy	February 21, 1999	100	Lao Buddhist Temple, Office of Asian Affairs
Orem High School, Utah County Information Fair & Community Meeting	February 27, 1999	150	Hispanic Advisory Council, Ethnic Minority Interagency Council, Mexican Consulate
Paiute Tribal Office, Cedar City	March 5, 1999	70	Paiute Indian Tribe of Utah
Opera House, St. George	March 6, 1999	200	Southern Utah Hispanic Committee, St. George Police Chief Robert Flowers
Ute Tribal Auditorium, Ft. Duchesne	March 26, 1999	75	Ute Tribe
Cambodian Buddhist Temple, <i>focus group</i> , WVC	April 10, 1999	150	Cambodian Buddhist Temple, Office of Asian Affairs

### *Adult System Research*

Research related to the adult criminal justice system was conducted using several methods:

1. Subcommittee research and reports,
2. Statistical research by the Social Research Institute, and
3. Perception research by the Social Research Institute.

Subcommittee research was conducted and coordinated by staff and subcommittee members, with occasional assistance and guidance by the Social Research Institute. Examples of subcommittee research include the following: an evaluation of cultural diversity training by Peace Officers Standards and Training, a survey of select law enforcement agency's complaint processes, focus groups of female

attorneys of color, an analysis of disciplinary rates in the Utah State Prison by minority status from 1990-1998, and a survey of judges to determine the community resource programs to which they most often order defendants. This research was submitted to the Task Force via subcommittee reports and, on occasion, was utilized for further analysis by the Task Force's research consultants.

Statistical research was conducted via contract with the University of Utah's Social Research Institute (SRI). Principal investigator, Russell K. Van Vleet, M.S.W., submitted a research work plan to the Task Force that covered several procedural components of the criminal justice system. For example, SRI conducted a statistical analysis in an attempt to determine to what extent pre-sentence reports might reflect racial/ethnic bias and to what extent disparities in sentencing guidelines, pre-sentence report recommendations, and actual sentences might reflect racial/ethnic bias. Data for this study were obtained from the Utah Department of Corrections, as these data appeared the most complete and reliable source of information. Accompanying this analysis was a study of the pre-sentencing process completed by SRI research staff. Another example of statistical research was a survey of administrators of community programs in two judicial districts in Utah. Originally this survey was completed for the Community Resources Committee.

In December 1999, SRI reported its initial findings to the Task Force. The Task Force then contracted for additional SRI research, including an analysis of law enforcement data collection fields and a development of future research study proposals to create an action plan for future analysis of issues that the Task Force was not able to address. These reports and proposals are discussed in further detail in the Needs Assessment section of the report.

Perception research was also conducted by SRI, often in conjunction with the statistical research outlined above. For example, in addition to describing the Pre-Sentence Process, SRI staff also interviewed a sample of pre-sentence investigators for their perceptions of the pre-sentence investigation process and its impact on racial and ethnic fairness.

Other perception-related research included three focus groups that were held for criminal defense attorneys and prosecutors, two focus groups with women of color in the legal profession, interviews with approximately 20 judges across Utah, and focus groups for participants and staff at community resource programs. These research segments were analyzed by SRI either as component parts of statistical research studies or through data analysis using the ATLAS.ti software program.

A note about the ATLAS.ti research is warranted. In each of these three studies (public hearing report, interviews with attorneys and judges, and interviews with women of color in the legal profession), Nicholas Woolf, M.A. of the University of Iowa collaborated with the Social Research Institute to conduct the analyses. Data collection was completed by research staff. Transcripts were then prepared and coded, and a conceptual framework developed that was grounded in the data rather than in a priori categories from prior phases of the Task Force's work. This resulted in the creation of an interpretive report designed "to describe the experiences of the respondents in their own terms, without drawing conclusions, proposing theories, or making recommendations."<sup>32</sup> The report therefore includes many direct quotations of respondents. More details about the findings of these and other adult system research studies can be located in the *Needs Assessment* section of this report.

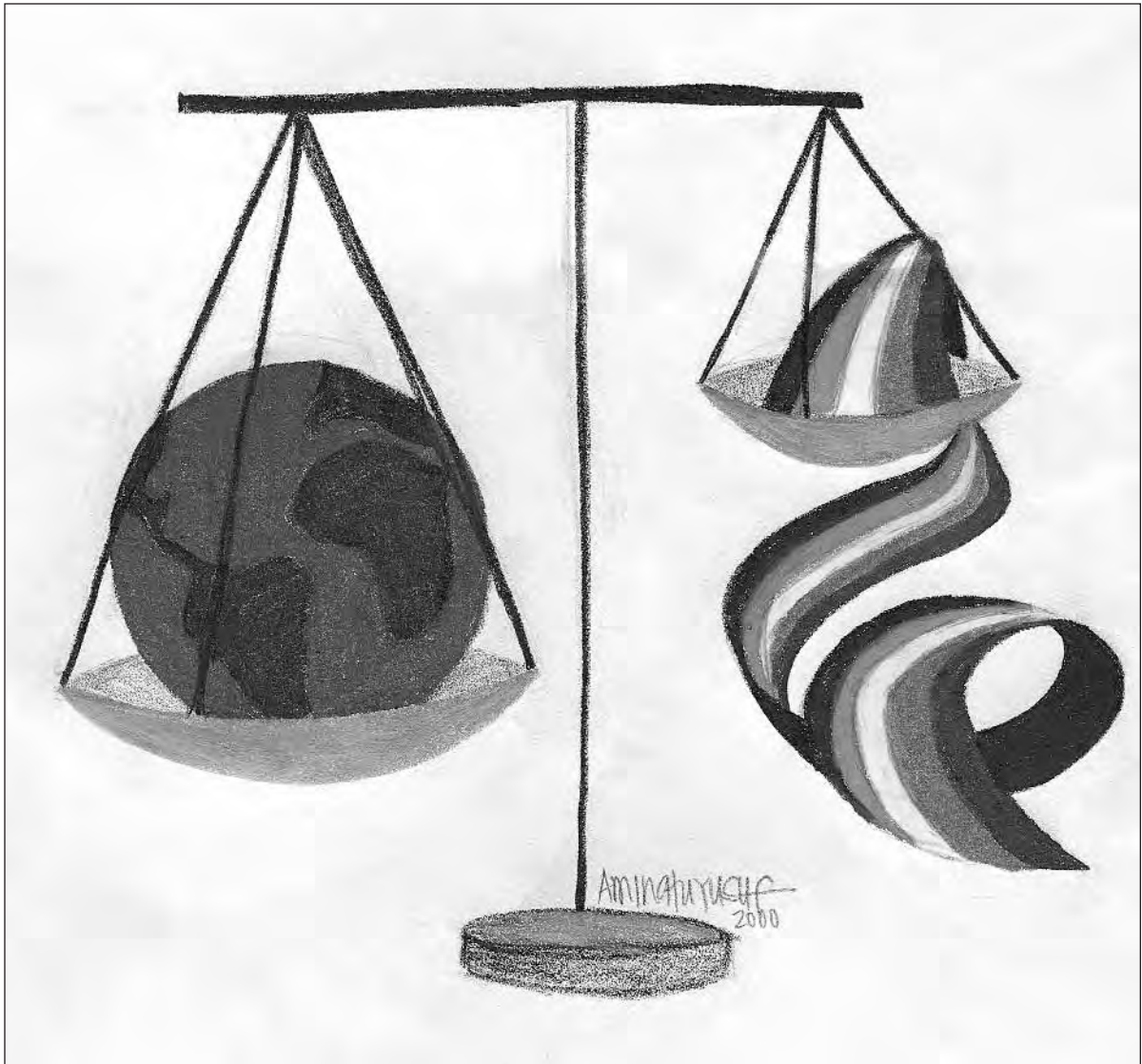
### *Juvenile System Research*

Research related to the juvenile justice system was conducted via a contract with the University of Utah Social Research Institute. The primary investigator for the research was Russell K. Van Vleet, M.S.W. The research process was primarily overseen by the Juvenile Disproportionate Minority Confinement Committee. The *Disproportionate Minority Confinement Committee Report on the Juvenile Justice System* was submitted to the full Task Force on November 30, 1999 and included findings and recommendations from the SRI research as well as the committee's own research efforts.

The Task Force chose to consider the SRI research of the juvenile system directly. The SRI research included data from the Juvenile Justice Information System database (JIS), the Bureau of Criminal Identification (BCI) and selected court social files. In addition, a sample of 200 youth (100 minority and 100 non-minority) was randomly selected to examine offending histories and track them through the juvenile justice system. Focus groups were held with 101 youth and 85 juvenile justice system personnel. Exit interviews were conducted with 35 youth as they left the Scott M. Matheson Courthouse and the Cornell Detention Center. Finally, exploratory interviews were conducted with representatives of three law enforcement agencies for their responses to focus group discussions. These interviews were conducted because of comments about perceived bias by law enforcement, received at the focus groups, that were unanticipated in terms of intensity and frequency. While there was insufficient time to set up focus groups with law enforcement, initial comment was solicited from two urban and one rural police department. Further research in this area is already underway.

One segment of this study was designed to replicate a study completed by Jeffrey M. Jenson, et al. in 1995, entitled *Racial Disproportionality in the Utah Juvenile Justice System*. This report was completed for the Disproportionate Minority Confinement Committee (then part of the Commission on Criminal and Juvenile Justice) and provided baseline data for the Task Force's assessment of the juvenile system. Additional research questions merited the inclusion of focus groups, exit interviews, and examination of the social files and expanded the study completed by SRI.

The SRI study of the juvenile justice system is discussed in further detail in the *Needs Assessment* section of the report.



*Artist: Aminatu Yusuf, Age 16, Ogden*



# Needs Assessment

The Task Force conducted a number of different research projects regarding real and perceived racial and ethnic bias. While individually the studies have interesting aspects, what is most significant to the work of the Task Force is how the studies interrelate and combine to yield a needs assessment of the criminal and juvenile justice system as it relates to racial and ethnic fairness. This needs assessment is presented in the following thematic sections: Workforce: Recruiting/Hiring, Training, Interpreting, Community Resources/Outreach, Complaint Processes, Administration, Data, Research, and Media.

Each thematic section begins with a narrative discussion of relevant research, followed by a series of unmet needs that are presented as Task Force recommendations. The recommendations begin with an overall theme that is designed to encompass the spirit of all recommendations in the section. While these themes address the entire criminal and juvenile justice system rather than pointing out a specific lead agency or organization, they are critical to understanding the Task Force's focus on an overall issue. Finally, within the list of recommendations, there are sidebar sections entitled, *What's Being Done*. These sections highlight laudable, current efforts addressing issues of racial and ethnic fairness that have been brought to the attention of the Task Force, usually via its comment period. No attempt was made to make the *What's Being Done* sections exhaustive. Rather it is meant to give the reader a reasonable sense of some positive things that are now occurring in Utah.

Task Force research projects are listed below, and their executive summaries are included in the *Appendices* section.

- *Adult System Research*, by Social Research Institute, University of Utah (SRI)
  - Community Resources Research
    - Client focus groups
    - Program staff focus groups
    - Program administrator survey
  - Courts Research
    - Comparison of pre-sentence recommendations, sentencing guidelines and actual sentence by minority status, 1999
    - Jury Selection Process study
    - Pre-Sentencing Process analysis
    - Pre-Sentence Investigation report evaluation

- Post-Adjudication Research
  - Utah Department of Corrections prison population by minority status, 1990-1998
  - Number and percentage on probation, in prison, and on parole by minority status
  - Incarcerated population by offense categories and minority status
  - Salt Lake County Jail bookings by minority status, 1996-1998
  - Utah State Prison inmate disciplinary rates by minority status
  - Inmate release length of stay by minority status
  - Length of stay in months for probation and parole supervision and percent in violation by minority status
  - Rates of receiving recommended guidelines for prison or probation by minority status
- *Community Resources Committee Report*
- *Courts Committee Report*
- *Disproportionate Minority Confinement Committee Report on the Juvenile Justice System*
- *Research Proposal Outlines for Further Study*, by SRI
  - Prosecutorial discretion
  - Private vs. public legal representation
  - Pre-sentence investigation reports
  - Representation on juries
  - Effect of credit for time served on prison length of stay by minority status
- *Interviews with Women of Color in the Legal Profession on Racial and Ethnic Fairness in the Legal System*, by Nicholas Woolf, M.A.
- *Law Enforcement Data Collection Proposals*, by SRI
- *Minority Overrepresentation in the Utah Juvenile Justice System*, by SRI
- *The Perceptions and Experiences of Female Attorneys of Color in Utah's Judicial System*, by Yvette Donosso Diaz, J.D.
- *Perceptions of Racial and Ethnic Fairness in the Criminal Justice System: Listening to Utahns, A Client Committee Report on the Public Hearings*
- *Pre-Adjudication Committee Report*
- *Post-Adjudication Committee Report*
- *Representation Committee Report*
- *Report on Interviews with Attorneys and Judges on Racial and Ethnic Fairness in the Legal System*, by Nicholas Woolf, M.A.
- *Report on the Public Hearings of the Utah Task Force on Racial and Ethnic Fairness in the Legal System*, by Nicholas Woolf, M.A. and SRI
- *Salt Lake County Jail bookings data analysis*, by John Collette, Ph.D. and Terry Allen, Ph.D.
- *Victims research*, by Professors Linda F. Smith and Paul G. Cassell, University of Utah College of Law



## WORKFORCE: RECRUITING/HIRING

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Workforce composition issues permeated Task Force and subcommittee research. Levels of workforce diversity became one measurement to determine how well the criminal and juvenile justice system encourages inclusion of racial and ethnic minorities in professional capacities.

A number of factors make workforce diversity a complex issue. First, comparison numbers are problematic. The Task Force considered several possible comparison data sets, including comparing workforce composition to the general population, to the eligible workforce, and to the composition of the client base. For example, the Division of Youth Corrections aspires to having a workforce that is representative of the population served. Due to the overrepresentation of minority youth in the juvenile justice system, the agency is aiming for a workforce that is significantly more diverse than the general population. Other workforce comparisons need to be made with the eligible workforce in mind. For example, when it comes to judgeships, it must be recognized that all juvenile, district, and appellate court appointees must be Utah attorneys, and there are a disproportionately small number of minority lawyers in comparison to the number of minorities in the general population. Therefore, any fair comparison should be made to the racial composition of the Utah State Bar. (However, the Task Force acknowledges that this comparison does not rule out the need for more aggressive recruitment of minorities into the legal profession.) Another example of the need to compare workforce data to the pool of qualified applicants is for law enforcement positions. All sworn officers must be certified by Peace Officers Standards and Training (POST). Therefore, the qualified applicant pool includes POST-certified officers and those who are POST-certified eligible.

Second, even after fixing upon an appropriate class of persons for comparison purposes, accurate data are difficult to locate. The U.S. Census provides general population estimates. Overall workforce applicant pool composition is also sometimes available. However, in more particularized groups, data are often either non-existent or unreliable. There appear to be no accurate statistics on the racial and ethnic composition of the POST-qualified applicant pool. Still, other entities, such as the Utah State Bar, do have numbers on the racial and ethnic make-up of their membership, but they are incomplete. Thus, data are not necessarily kept and thereby create a problem in determining baselines as well as progress in this area (see *Data* section for more details).

Third, particular problems may exist within certain agencies that make it difficult for them to maintain adequate staff employment levels let alone bring on new persons so as to achieve racial and ethnic diversity. While an agency may aspire to a diverse workforce, achieving that goal may be problematic due to issues such as starting salaries and professional certification requirements. For example, the Utah Department of Corrections has encountered difficulty over the past several years in recruiting people to fill correctional officer positions. All correctional officers must also be POST-certified, which limits the pool of possible applicants at a time of full employment along the Wasatch Front. At the same time, the Task Force believes that there is much that agencies can do to broaden their recruitment efforts toward minority communities.

Despite these challenges, the Task Force still attempted to collect workforce composition data. This data collection occurred at different times, therefore the data below are not all from the same year.

While results from individual segments of the justice system vary in their inclusion of minorities, the criminal and juvenile justice system workforce as a whole is not representative of the Utah population nor of the population served. Perception data corroborates the need for workforce diversity as well, showing that both the public and participants within the system (e.g., judges, attorneys, community program staff) believe that increased workforce diversity would help alleviate problems and potential problems related to racial and ethnic bias.

In addition to workforce composition issues, there is the issue of recruitment of minorities to positions in the justice system. In most instances, the criminal and juvenile justice system as a whole does not make an active, concerted effort to recruit, hire, retain, and promote minorities. A common response to Task Force inquiries about minority hiring rates was simply that minorities choose not to apply for available positions. Task Force members believe that most entities, governmental and private, could become more proactive in this area, and its recommendations encourage agencies to begin collaborating with minority communities to increase their abilities to recruit a diverse applicant pool (*Community Resources/Outreach* recommendations are complementary in this area). Workforce, recruitment and perception data are outlined below. Where available, it is broken down by agency and region.

### *Pre-Adjudication*

Law enforcement workforce diversity varies by agency. Differences among agencies, such as size and urban/rural location, make comparisons difficult. Two Task Force subcommittees looked specifically at law enforcement workforce issues. The Juvenile Disproportionate Minority Confinement Committee concluded that “a lack of racial and ethnic diversity in law enforcement can amplify disparate treatment by race/ethnicity. However, [Committee] members recognize that most Utah law enforcement agencies are continually recruiting so as to diversify their workforce in order to appropriately represent the communities they serve.”<sup>33</sup>

The Pre-Adjudication Committee attempted to determine workforce composition estimates through a written survey sent to law enforcement in five counties in Utah, and to Peace Officers Standards and Training.<sup>34</sup> Findings indicated that most agencies in the sample do not track the racial composition of their applicant pool.<sup>35</sup> That is, for any open position, it is impossible to determine the number of minorities that applied for the position. Recruiting efforts varied greatly, with some agencies offering scholarships and working with ethnic organizations to assist in outreach efforts.<sup>36</sup> Workforce composition from select agencies is shown in the table below. For the purposes of comparison, county composition by race/ethnicity is offered as applicant pool data were not available.

COUNTY	WORKFORCE COMPOSITION BY MINORITY STATUS	COUNTY COMPOSITION BY MINORITY STATUS
Salt Lake County <sup>37</sup>	9.6% minority	12.84% minority population
Uintah County <sup>38</sup>	0% minority	15.20% minority population

Washington County <sup>39</sup>	2.4% minority	4.55% minority population
Weber County <sup>40</sup>	7.1% minority	13.23% minority population

In certain areas, applicant pool data were available. The following table demonstrates two of the comparisons made by the Committee.

AGENCY	COUNTY POPULATION ESTIMATE	APPLICANT POOL	CURRENT WORKFORCE
Salt Lake County Sheriff's Office	12.84% minority	12% minority	10% minority
Utah County Sheriff's Office	6.7% minority	8.0% minority	5.3% minority

During the Task Force's comment period, the Salt Lake City Police Department (SLPD) submitted additional workforce data and more detailed recruitment information. Original data received by the Pre-Adjudication Committee provided SLPD workforce data as of September 4, 1997 and showed that of 412 sworn officers, six or 1.45% were Black, 15 or 3.64% were Hispanic, 18 or 4.36% were Asian/Islander, three or 0.72% were Indian.<sup>41</sup>

The additional information provided Salt Lake City Corporation employment numbers to the Task Force. These data only provide an indirect glimpse of current SLPD workforce composition. Within the protective service category of employment, in which officers are included, only the Native American community is underrepresented.<sup>42</sup> Of salaried city employees only, protective service workers are approximately 9 percent minority, with the minority labor force estimated at 6 percent. SLPD recruitment efforts, including a June 1998 recruitment policy, note a change in emphasis to "focus more on minority areas, publications, etc. (e.g. newspapers, television stations, cultural centers, cultural markets)."<sup>43</sup>

### *Legal Representation*

Utah State Bar membership by race and status is included in the table below, showing an overall minority membership at 4.5 percent. These data were collected by the Courts Committee.

UTAH STATE BAR MEMBERSHIP	AFRICAN AMERICAN		WHITE		HISPANIC		ASIAN		PACIFIC ISLANDER		OTHER		TOTAL	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Inactive, No Service	0	0.0	257	96.3	2	0.7	3	1.1	1	0.4	4	1.5	267	100.0
Active	8	0.4	2,131	96.2	29	1.3	5	0.2	2	0.1	41	1.9	2,216	100.0
Active, Emeritus	0	0.0	56	100	0	0.0	0	0.0	0	0.0	0	0.0	56	100.0
Active Under 3	1	0.3	319	90.6	13	3.7	3	0.9	0	0.0	16	4.5	352	100.0
Inactive, Emeritus	0	0.0	29	93.5	0	0.0	0	0.0	0	0.0	2	6.5	31	100.0
Inactive, Full	1	0.2	490	95.1	7	1.4	2	0.4	2	0.4	13	2.5	515	100.0
Totals	10	0.3	3,282	95.5	51	1.5	13	0.4	5	0.1	76	2.2	3,437	100.0

### Utah State Bar Membership by Race and Status

Data provided by: Utah State Bar, August 1998

The Representation Committee also reported numbers related to prosecution and defense attorney offices in Utah. The Representation Committee found the following:<sup>44</sup>

- Racial and ethnic minorities are under-represented in the offices of county prosecutors throughout Utah, although the level of under-representation varies considerably by county.
- Racial and ethnic minorities are adequately represented, if not over-represented, in some legal defense offices and severely under-represented in others.
- Racial and ethnic minorities are under-represented in the officials/administrator category for county prosecutor and legal defense offices throughout the state.

The need for recruitment efforts of minorities into the legal profession was acknowledged by the two committees via their networking and recruitment recommendations. Finally, the Juvenile Disproportionate Minority Confinement Committee found that “the racial and ethnic composition of juvenile public defenders is predominately white, non-Hispanic attorneys.”<sup>45</sup>

### Courts

The composition of the Utah State Courts’ workforce is provided below, showing that approximately 10.9 percent of the overall workforce is minority. A Third District Court utilization analysis from October 1999 shows that compared to the Salt Lake County civilian labor force, minorities are underrepresented in the category of officials and managers.<sup>46</sup> While roughly 5 percent of the officials and managerial labor force is minority, none of the employees in the job category are minority. In all other job categories, the courts’ minority workforce exceeds the minority representation in the civilian labor force. Statewide juvenile court data were provided to the Task Force demonstrating that as of March 2000 the workforce of the Juvenile Court in Utah was 18 percent minority.<sup>47</sup> Finally, the Woolf report on the approximately 20 interviews with judges states that judges suggested that “greater minority representation throughout the court system would be uniformly desirable.”<sup>48</sup> Regarding recruiting, the Courts Committee found that efforts utilizing ethnic media are needed to increase the efforts to diversify the workforce. Further, “the Courts have begun an attempt to advertise in Utah’s ethnic print media on a regular basis in order to increase the association of the minority population of the courts as a potential and desirable workplace.”<sup>49</sup>

## Utah State Courts Workforce Composition

Data provided by: Administrative Office of the Courts, May 1998

EEO JOB CATEGORY	TOTAL %	BLACK		WHITE		HISPANIC		ASIAN AMERICAN		AMERICAN INDIAN		TOTAL MINORITY %
		MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	
Officials & Administrators	91	4	0	46	33	3	3	1	1	0	0	12
	5.4%	4.4%	0.0%	50.5%	36.3%	3.3%	3.3%	1.1%	1.1%	0.0%	0.0%	13.2%
Professionals	287	6	3	128	116	10	5	6	9	1	3	43
	27.3%	2.1%	1.0%	44.6%	40.4%	3.5%	1.7%	2.1%	3.1%	0.3%	1.0%	15.0%
Technicians	21	0	0	13	6	0	1	1	0	0	0	2
	1.4%	0.0%	0.0%	61.9%	28.6%	0.0%	4.8%	4.8%	0.0%	0.0%	0.0%	9.5%
Paraprofessionals	193	4	1	67	102	9	5	2	1	1	1	24
	21.2%	2.1%	0.5%	34.7%	52.8%	4.7%	2.6%	1.0%	0.5%	0.5%	0.5%	12.4
Clerical	566	1	1	18	502	0	28	0	10	0	6	46
	43.9%	0.2%	0.2%	3.2%	88.7%	0.0%	4.9%	0.0%	1.8%	0.0%	1.1%	8.1%
Skilled trades / crafts	4	0	0	4	0	0	0	0	0	0	0	0
	0.3%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Service / maintenance	7	0	0	5	1	0	0	1	0	0	0	1
	0.5%	0.0%	0.0%	71.4%	14.3%	0.0%	0.0%	14.3%	0.0%	0.0%	0.0%	14.3%
Totals	1169	15	5	281	760	22	42	11	21	2	10	128
	100.0%	1.3%	0.4%	24.0%	65.0%	1.9%	3.6%	0.9%	1.8%	0.2%	0.9%	10.9%

A table of judicial applicants from 1986-1998 is provided below, showing the percentages of minority applicants, minority nominees, and minority appointments. On this matter, the Courts Committee found that “[o]f the 106 active judgeships in the Utah State Courts, six or 5.7 percent of the judges are minority, which is not representative of the level of diversity in Utah’s population. Depending on the accuracy of the Utah State Bar’s racial and ethnic data, this level of minority representation may or may not reflect the Bar’s composition.”<sup>50</sup> With the recent change to civil and criminal divisions in the Salt Lake City District Court, the Third Judicial District now has only one minority judicial representative who handles criminal matters.

Judicial Applicants	# of applications	% (#) of applications by ethnic minorities	# of nominees	% (#) of ethnic minority nominees	# of appointments	% (#) of appointments of ethnic minorities
Circuit Court <sup>51</sup>	210	3.81% (8)	33	9.09% (3)	11	9.09% (1)
District Court	1060	3.77% (40)	150	6.67% (10)	48	8.33% (4)
Juvenile Court <sup>52</sup>	432	2.78% (12)	54	7.41% (4)	17	5.88% (1)
Appellate Court <sup>53</sup>	174	5.75% (10)	34	2.94% (1)	11	0% (0)
<b>TOTAL</b>	<b>1876</b>	<b>3.73% (70)</b>	<b>271</b>	<b>6.64% (18)</b>	<b>87</b>	<b>6.90% (6)</b>

### Judicial Applicants, 1986-1998

Data provided by: Administrative Office of the Courts, 1998

#### *Post-Adjudication*

The Post-Adjudication Committee evaluated data on the Utah Department of Corrections’ labor force. The information is provided in the table below, followed by a table that shows the state’s civilian labor force as of July 1998.<sup>54</sup>

Title	White	Hispanic	African American	Native American	Asian
Correctional Shift Supervisor	32	5			1
Correctional Officer I	179	10	2		4
Correctional Officer II	367	12	7	1	1
Enforcement Officer I	4				
Enforcement Officer II	67	2		2	
Support Services Officer	55	2			

Title	White	Hispanic	African American	Native American	Asian
<b>Corrections totals</b>	704 <b>93.5%</b>	31 <b>4.1%</b>	9 <b>1.2%</b>	3 <b>0.4%</b>	6 <b>0.8%</b>
AP&P Probation Officer	202	10	4	3	2
<b>AP&amp;P Totals</b>	202 <b>91.4%</b>	10 <b>4.5%</b>	4 <b>1.8%</b>	3 <b>1.6%</b>	2 <b>0.9%</b>
Captain	27	1			
Center Supervisor	1				
Class Review Captain	1				
Clinical Program Administrator	2				
Region Coordinator	1				
Staff Supervisor	47	1	3	1	
Grievance Captain	1				
Hearing Captain	3				
Industries Production Mgr.	8				
Institution Program Coordinator	2				
Investigator	10				
IPP Coordinator	2	1			
Contracts Coordinator	2				
Support Services Supervisor III	3				
Training Manager	2				
Social Work Supervisor	2				
Specialist Field Operations	2				
<b>Totals supervisor</b>	116 <b>94.3%</b>	3 <b>2.4%</b>	3 <b>2.4%</b>	1 <b>0.8%</b>	0 <b>0%</b>

Title	White	Hispanic	African American	American Indian	Asian/ Pacific Islander
Executive, Administrative, & Managerial Occupations	86,990 95.3%	2,390 2.6%	393 0.4%	438 0.5%	1,022 1.1%
Professional Specialty Occupations	104,208 94.8%	2,421 2.2%	469 0.4%	637 0.6%	2,149 2.0%
Technicians & Related Support Occupations	28,503 93.1%	998 3.3%	75 0.2%	204 0.7%	845 2.8%
Protective Service Occupations	9,603 94.2%	317 3.1%	62 0.6%	131 1.3%	79 0.8%
Totals / Percentages	229,304 94.8%	6,126 2.5%	999 0.4%	1,410 0.6%	4,095 1.7%

**Civilian Labor Force Occupational Groups By Ethnic Origin and Race**  
**State of Utah**  
**July 1998**

The Committee stated that the statistics show “a workforce which is roughly representative of the workforce diversity in Utah, though it significantly differs from the racial composition of the population that it serves (i.e., prison inmates).”<sup>55</sup> Indeed, based on additional data provided by Corrections in April 2000, Corrections populations are as follows.

Location	White	Black	Hispanic	Native American/Alaskan	Asian & Pacific Islander
Total UDC Population	76%	5%	9%	3%	1%
Prison population	68%	7%	17%	3%	3%

The Utah Department of Corrections has, “over the past several years, because of the full employment condition along the Wasatch Front, ... experienced serious problems recruiting people to fill correctional officer positions.”<sup>56</sup>

The Pre-Sentence Process analysis completed by the Social Research Institute (SRI) included interviews with pre-sentence investigators at Salt Lake County Adult Probation and Parole (AP&P) to gain a greater understanding of the investigation process as well as the impact of race and ethnic issues upon investigators. SRI found that of the 18 investigators at Salt Lake County AP&P, which is the largest in the area, all 18 are white, non-Hispanic. One investigator is bilingual, Spanish speaking.



## *Juvenile Justice*

The Social Research Institute also completed a study of the juvenile justice system in Utah. SRI found that according to a 1997 Division of Youth Corrections Annual Report, “minorities represent nearly 10 percent of staff within the administrative job type; 26 percent in service delivery jobs; and 14 percent in support services. Approximately 22 percent of all staff are minority, compared with 31 percent of minority youth” served by the agency. Overall population data are provided for contrast in the study report, stating that “[i]n 1997, there were 302,374 youth ages 10 to 17 in Utah. Minority youth accounted for 9.5 percent of the total youth population.”<sup>57</sup> According to the report’s comparison to 1993 data, Youth Corrections has “made significant strides in hiring minorities.”<sup>58</sup> The study ultimately recommends an increase in minority staff, indicating that,

minority youth stated that they wanted the justice system to increase the number of minority staff who were members of their own cultural, language, and gender groups. At the front-line worker level, such an increase will allow for youth/staff ethnic matching. Increased numbers of minorities at administrative and management levels can lead to the development of policies and procedures that are more culturally competent. Of course, simply adding staff of color without modifying policies, procedures, and interventions cannot be effective.<sup>59</sup>

## *Community Resources*

Another study by SRI concerned community resource programs. A survey of administrators of community programs in the state found that Hispanic and African American staff at those agencies responding to the survey constituted a higher percentage than their representation in the general population and in their overall client base. While the staff composition compared favorably to the overall client base, the minority clients that were referred from the criminal justice system equaled roughly 30 percent, while staff percentages were approximately 18 percent. While the survey’s return rate was quite low and thus must be viewed as pilot data rather than a comprehensive survey, it did represent 2,111 full-time employees, 555 part-time employees, and 324 volunteers who provided services to 36,935 clients.

Focus groups were also held with staff from community programs. According to the SRI report, “[s]everal staff participants from multiple focus groups encouraged hiring more minorities into staff positions. Also observed was that a single ‘token’ member of a minority group often isn’t trusted and is considered by clients to likely be a ‘traitor.’ Some staff participants suggested that increasing numbers of minorities beyond token status could possibly reduce this perception.”<sup>60</sup> Focus groups of women of color in the legal profession yielded calls for more judicial diversity.

## *Concluding Remarks*

In a separate study, Nicholas Woolf, M.A. collaborated with the Social Research Institute to conduct an analysis of the public hearing transcripts. The Woolf report states that, “[s]trong and frequent requests were expressed for increased minority participation in all facets of the justice system: police, attorneys, judges, review boards, and administration. Representation came closest to being seen

as the silver bullet that would ease unfairness system-wide, a single solution to the varied problems expressed.”<sup>61</sup>

While it is doubtful that any singular change will have such a great impact, this issue of workforce diversity and recruiting of minorities to full participation in the criminal and juvenile justice system is a significant one for the full Task Force. The following recommendations outline the suggested changes in more detail.

*THEME: To assist the criminal and juvenile system in ensuring that the system is responsive to the culture and language needs of minorities and is accessible to those who utilize it, all entities should have a workforce that includes minorities within their job groups. Recruiting and hiring should be based on requisite skills. All entities should assure nondiscrimination in all conditions of their employment practices.*

1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.
2. Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.
3. Peace Officer Standards and Training (POST) and individual law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.
4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.
5. All county commissions awarding legal defender contracts in Utah should consider the issue of workforce diversity as an important factor in its review and assessment of the qualifications of contract applications.
6. The Administrative Office of the Courts should conduct an examination of the racial and ethnic diversity of the courts workforce by judicial district to ensure progress in the goal of increasing workforce diversity. This examination should occur at least annually.
- 7a. The governor should ensure that every judicial nominating commission has a racially diverse membership.

7b. The judicial nominating commissions and governor should adopt a policy that expressly recognizes the importance of racial and ethnic diversity in the nomination and appointment of judges.

8. The Judicial Council, as part of the justice court certification process, should ensure that all judicial appointing authorities (city council/county government) recognize the importance of cultural diversity in the workplace and should have in place recruiting processes that result in diverse applicant pools. Further, the appointing authority, should retain data relating to the race and ethnic background of applicants for the judicial vacancy for examination by the Judicial Council to monitor compliance with this position.

9. Judges should consider the importance of diversity on the bar and bench in the hiring of law clerks.

10. The workforce of Adult Probation and Parole and the Utah Department of Corrections should establish policies and practices to increase their ability to recruit minority applicants. Hiring practices should be evaluated for their effect on minority applicants. Corrections should seek minority employees actively as new hires or on a contract basis, such as for pre-sentence investigators.

11. The Juvenile Courts and the Division of Youth Corrections, including their contract service providers, should establish policies and practices to increase their ability to recruit minority applicants.

### *Selected Strategies*

The Task Force recommends the following strategies as suggestions for specific implementation efforts:

- Offer tuition scholarships for minority students to attend educational programs within the criminal and juvenile justice system, sponsored by community organizations and businesses.
- Emphasize the following in recruiting efforts:
  - Seek qualified minorities,

### **WHAT'S BEING DONE**

During the last few years the Division of Youth Corrections (DYC) has made successful efforts to better meet the needs of its clients by recruiting minority staff, thus striking a more realistic balance between its workforce population and population demography. For example, the 1997 DYC Annual report described minority staff rates at 22 percent compared with approximately 31 percent of minority youth. Additionally, the number of minorities working within administrative positions increased from 10 percent in 1997 to 14.7 percent in 1999: a 47 percent increase within the span of two years. These increases may be attributed to the DYC practice of hiring temporary employees, also called "hiring at-will." Efforts such as this allow an increased number of minorities to develop a knowledge and familiarity with the system, thus promoting the possibility of future work with the division.

### WHAT'S BEING DONE

For the past ten years, local television program, New Horizons, has sponsored five scholarships in the amounts of \$2,500-\$3,000 in order to provide financially disadvantaged and minority students a chance to attend Peace Officers Standards and Training's certification program. The organization has been committed to this program in hopes of promoting greater diversity within the law enforcement agencies of Utah.

- Seek those who speak languages other than English, and
  - Utilize ethnic media sources, minority organizations, and other outreach avenues in advertising workforce openings.
- Pay specific attention to expanding recruiting efforts in order to increase the racial/ethnic representativeness of legal workforces, especially in rural counties and counties where the percentage of minorities in the county population exceeds that of overall Utah population percentages.
  - Examine hiring practices for subtle and overt biases against women of color in state agencies and legal organizations.
  - Create a Diversity Advisory Group, to meet regularly to discuss issues of diversity in the workplace. Diversity should include issues related to race and ethnicity but may also include issues related to gender, disability, and other diversity issues. The group should collect data on workforce diversity issues, such as recruitment, hiring, retention, termination, pay and workforce environment. It should create and implement a diversity improvement plan to address these issues.

## TRAINING

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Much of the Task Force's work led it to make training recommendations. Task Force and subcommittee members viewed the lack of cultural competency training as a problem in and of itself. In addition, training became a potential remedy for other problems noted in the system (e.g., insensitive comments, stereotyping, workforce diversity inadequacies). Not all training in this section is cultural competency training. Some training recommendations relate to the appropriate use of interpreters, immigration matters, and psychological evaluations. However the bulk of the training recommendations are about the issue of culture. To ensure that the type of training the Task Force is recommending is properly understood, some elaboration is merited.

As mentioned in the Definitions section of this report, cultural competency is defined as a “deeper knowledge/understanding of the dimensions of diversity that enable individuals to build and implement necessary skills to be more effective in a culturally diverse environment.” Culturally competent individuals appreciate differences, are aware of their own cultural values and biases, and can communicate effectively across diverse populations. The Task Force expressly does not advocate a singular position in terms of culture or political outlook. *Training should provide exposure to different perspectives, backgrounds and cultures, not advocating or mandating certain thoughts, but rather providing skills with which to work effectively within increasingly diverse environments. The goal is not to have all people in the workplace agree on lifestyle, culture or political thought, but rather to provide exposure to different approaches and skills regardless of personal values and lifestyles.* A final aspect of cultural competency training is the importance of conveying the legal ramifications of racial and ethnic bias in the workplace. That discrimination based on race or ethnicity will not be tolerated in the criminal and juvenile justice system should be a primary message of quality training.

All seven subcommittees recommended cultural training for workers within the segments of the system they evaluated.<sup>62</sup> Many recommendations specified the importance of cross-cultural communication, knowledge of individual biases, and other skills that should be included in cultural training as well as specified entities that should be responsible for offering the training. Others related to immigration, hate crimes, the use of interpreters, and religious diversity issues that are echoed in the Task Force's recommendations below.

Subcommittee recommendations were based on their research findings such as the Courts Committee's finding that, “[f]ew minorities are included in the workforce of pre-sentence investigators for Adult Probation and Parole (AP&P), contract workers and staff.”<sup>63</sup> The Juvenile Disproportionate Minority Confinement Committee states, “[t]here is no systemic continuing education training on cultural issues nor any cultural competency requirements for public defense attorneys in the juvenile justice system.”<sup>64</sup> The Pre-Adjudication Committee found that Peace Officers Standards and Training (POST), “offers an initial training on issues of diversity in its basic training. While the training is of high quality, the time allotted is insufficient to address the needs of racial and ethnic communities in Utah. Very few agencies surveyed had offered any type of diversity training for continuing education purposes.”<sup>65</sup>

The Community Resources Committee's recommendation for “regular cultural awareness training for all employees” within community resource programs stems from research completed by the Social

Research Institute (SRI).<sup>66</sup> A survey of program administrators demonstrated that approximately 50% had a written policy requiring cultural sensitivity training. Only 19% reported that such training was required on an annual basis. In answers to survey questions, “[a]dministrators cited many instances where individuals had acted insensitively when interacting with racial and ethnic minorities . . . . An administrator mentioned that persons of ethnic origin are ‘often told to go back to where they came from.’”<sup>67</sup> When asked for suggestions, administrators listed “cultural sensitivity training and the need for more education.”<sup>68</sup> The committee noted that academic research shows that “psychological evaluations completed through an interpreter (or even without an interpreter when a person has limited English skills) are of questionable validity.”<sup>69</sup> Training on this issue of the reliability of these evaluations are included in the recommendations below.

Focus groups with community resource program staff indicated that “[o]pinions seemed to illuminate a lack of cultural awareness on the part of some staff while others expressed deep concern for systemic features ‘that allow minorities to fall through the cracks.’”<sup>70</sup> It also found, “several instances of language and attitudes that would be categorized as ignorant, insensitive or possibly racist.”<sup>71</sup> As a consequence, SRI recommended, “the education and continuing training of community program staff and employees of the justice system.”<sup>72</sup>

Youth who participated in SRI’s juvenile justice focus groups felt that, “the attitudes and behaviors of professionals in the system subject them to racial bias.”<sup>73</sup> A majority of staff in focus groups spoke “directly about the negative experiences of minority juveniles due to the lack of access to resources, racial stereotypes, and miscommunications between families and the system.” The study found that, “[b]oth youth and professionals believe that racial stereotyping practiced by personnel at multiple points in the system (e.g., police, judges, intake workers, probation officers) and by school system personnel leads to more severe sentencing for minority youth.”<sup>74</sup> Further, the report found the following about juvenile justice system personnel:

- Professionals stated that system personnel exhibit biases in the areas of cultures, languages, and religions.
- Professionals demonstrated unconscious racial and social class bias during the focus groups.
- Some professionals exhibited a lack of understanding of the nature of racism or its impact on minority youths’ lives.<sup>75</sup>

The report also found that the Division of Youth Corrections “currently offers diversity education . . . that is generic and not specific to race and ethnicity” and that is offered “at academies for new employees and supervisory education.” In 1998, 12 sessions for a total of 49 hours were offered for approximately 660 employees in attendance. Given these findings, the study recommended training in the areas of culture, the impact of stereotypes on staff decisions, societal racism, and on youth/staff ethnic matching.<sup>76</sup>

Many of these findings are echoed by the research sponsored by the full Task Force. In the public hearing report by Woolf, he notes “the overall sense of the stories is that unfair and oppressive treatment is pervasive, long standing, and getting worse.”<sup>77</sup> Most prescriptions for education came in conjunction with a description of an experience or story of unfairness. The report found that “[e]ducation and training were repeatedly proposed as the way to bring about change. Two separate themes emerged:



transformation, that is, education to transform the values, attitudes, and behavior of both discriminators and discriminatees; and information, to level the playing field that is currently heavily tilted against minorities who do not have the necessary knowledge about the justice system to act in their own self interest.” More specifically, “[t]he first two themes of transformation are directed at discriminators, primarily the police. They include the need for teaching tolerance and respect, and the need for diversity, sensitivity, and other training. The third theme of transformation is directed at minorities, encouraging recognition of the role their attitude plays in contributing to unfairness, and how this can be alleviated by attitude transformation.”<sup>78</sup>

The Woolf report on the attorney and judges interviews found that the attorneys tended to believe that “racism is pervasive in the justice system, and is often subtle, denied, or hidden,” whereas the judges revealed the stated ethos that “courts are fair to minorities, and the contradictory views of various other groups are only perceptions and alternative perspectives that may be understandable, but contrast with reality as they see it.”<sup>79</sup> Nonetheless, comments from a judge and an attorney proposing judicial training to address issues related to cultural sensitivity are included in the report. Both the Woolf and the Diaz analyses of the women of color attorney focus groups reveal that these attorneys also suggested educational experiences for justice system workers to improve cultural competency.<sup>80</sup>

The Community Resources administrator survey yielded comments related to judges that demonstrate training needs. When asked if respondents had personally observed racial bias in the last three years, many of the comments cited the behavior of judges. One comment told of a judge who refuses to use certified court interpreters, instead requiring defendants to enter a plea saying “you understand English just fine” or “uses his clerk to translate.” Another comment was about judges who require a pre-sentence investigation of all Spanish speaking defendants “due to the language barrier” even for a first offense. And finally, particularly annoying to community treatment providers were judges who order defendants to complete in-patient treatment programs that do not exist (e.g., inpatient alcohol and drug treatment in Spanish).

Finally, SRI’s Pre-Sentence Process Analysis for the Task Force pointed to the need for cultural competency training. As noted in the Workforce: Recruiting/Hiring section, SRI found that “[a]ll the investigators at SL County AP&P (the largest in the area) are white. One investigator is white and bilingual (Spanish speaking).”<sup>81</sup> This finding supports that of the Courts Committee mentioned above. All investigators interviewed,

had case experience with cultural diversity and interpreters. Investigators admitted that they were more apt to establish a rapport and trust a person of similar cultural, economic, and religious background to them, whether they were conscious of it or not. However, they also claimed that even if an investigator employed harmful stereotyping, while the interview process might be affected, the overall recommendation is checked by colleagues, a supervisor, defense, prosecution, and judge.<sup>82</sup>

To address potential biases that may result from an all-white staff serving a diverse clientele, the report recommends increased cultural sensitivity training/cultural education.<sup>83</sup>

## WHAT'S BEING DONE

Peace Officers Standards and Training has begun efforts to update its curriculum to better meet the needs of new officers and is subsequently offering a modernized curriculum dedicated to the development of cultural competence. Courses teaching cross-cultural communication, stereotyping and racism issues as well as how to deliver police services in a multi-cultural community are taught as part of an effort to incorporate cultural awareness into the appropriate curriculum. Furthermore, POST is offering an in-service class on cultural competency, free of cost, to police agencies around the state. The course seeks to help officers understand and confront personal biases in addition to teaching effective communication skills.

The Salt Lake City Police Department (SLPD) has also incorporated diversity issues into its 40-hour continuing education requirement. Issues such as hate groups and hate crimes as well as sensitivity training and diversity issues have been spotlighted as part of this effort.

*THEME: Every segment of the criminal and juvenile justice system should have appropriate and continuous training aimed at achieving cultural competency to help ensure racial and ethnic fairness. Existing resources, such as the joint council chairs of the State Offices of Ethnic Affairs and other diversity and multi-cultural programs throughout the state, should be utilized in the development of such training.*

Ia. Peace Officer Standards and Training (POST) certified officers should be required to complete a minimum of four (4) hours per year of diversity training, as part of its forty hour (40) continuing education requirement.

Ib. Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as:

- Race Versus Culture
- Hate Groups and Hate Crimes
- Gender as a Unique Cultural Heritage
- Domestic Violence Training
- Sexual Harassment on the Force
- Rape Survivor Awareness
- Understanding One's Own Biases
- Consequences for Racial Bias on the Job: Can I Be Sued?

Ic. Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs' Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.

2a. Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.

2b. Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.

3a. The Utah Supreme Court's Board of Mandatory Continuing



Legal Education should require attorneys practicing in the criminal and juvenile justice systems to complete cultural competency training on a regular basis

3b. The Utah State Bar should offer Continuing Legal Education (CLE) training on cultural competency for attorneys and paralegals in the criminal and juvenile justice systems.

4. The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.

5a. The Judicial Council should ensure that all judges (at all levels of court) and relevant court personnel receive regular training on the appropriate use of interpreters in the courtroom.

5b. Judges should receive training on the level of reliability of psychological evaluation results in cases where the mental health practitioner does not speak the same language as the client/defendant, does not have an understanding of the defendant's culture, and in cases where an interpreter is used for the evaluation.

5c. Mandatory cultural diversity training should address the specific needs of court employees, including judges. The training should focus on cultural competency, not only awareness and sensitivity. The Administrative Office of the Courts should create a curriculum for court employees, including judges. Upon completion of the curriculum, the Administrative Office of the Courts should report to the Judicial Council on the status and implementation of its curriculum.

5d. Judges should receive training on the rights of individuals to serve on juries and defendants to have a jury that reflects a cross section of the community.

6. Individual judges, at all levels of the courts, and members of the Board of Pardons and Parole should conduct a heightened examination of the sentences they impose to determine whether or not they have, perhaps unintentionally, allowed racism to cloud their judgements.

7. Pre-Sentence investigators should receive training on the importance of adhering to sentencing guidelines and their affirmative duty to justify departures with specificity.

8. Training on the nature and impact of racial and ethnic bias within the system should be mandatory for Department of Corrections and Board of Pardons and Parole employees, including pre-sentence investigators (staff and contract). Mandatory training should include communication skills and the minority defendant. This training should assist employees in understanding different cultures.

### WHAT'S BEING DONE

POST-certified (Peace Officers Standards and Training) personnel from the Utah Department of Corrections (UDC) as well as Board of Pardons and Parole are currently undergoing 25 hours of training in an effort to mitigate racial and ethnic bias in the system. Instruction includes issues on Cultural Diversity, Spanish for Law Enforcement, and Inter-personal Communications. Though private contract Pre-Sentence Investigators currently do not receive such training, the Department of Corrections has acknowledged that providing such services would be feasible and of minimal cost to the Department and concurs that such training should occur.

### *Suggested Strategies*

The Task Force recommends the following strategies as suggestions for specific implementation efforts:

- Foster a heightened awareness of individual biases in the workplace. The tendency to discount the statements or experiences of people of color may be unconscious for some but is still inexcusable and dangerous behavior.
- Coordinate the establishment of a clearinghouse for curricula and resources on diversity issues. It should be developed through enlistment of various national and local resources and databases. The names of local diversity trainers should be made available through this clearinghouse, as well as national speakers for conferences and special events. All of this information should be available via a website for statewide access by agencies across the state.
- Sponsor training for law enforcement and prosecutors on recognizing, reporting, investigating, and prosecuting hate crimes as well as general awareness training about needs of hate crimes victims and diverse groups in Utah. The importance of ongoing contact with the victim about the status of their case is an essential element of the training.
- Conduct training on the nature and impact of racial and ethnic bias in ways that goes beyond cultural sensitivity and valuing diversity training and includes a personal assessment and personal coaching when necessary. For example, a racial bias indicator survey would assist employees in understanding their own personal biases in a non-threatening way.
- Make a half-day training on racial and ethnic issues part of the court clerks' career track. This training should be geared specifically to how clerks deal with minority litigants and other court patrons.
- Offer cultural diversity training both in new employee orientations and ongoing education programs.
- Provide opportunities and encourage staff to learn needed second language skills.

- Require judges to undergo personal training when the Judicial Conduct Commission finds evidence supporting a complaint related to racial and ethnic bias.
- Provide correctional staff with training on issues relating to diverse religious practices and the rights of inmates. The Department of Corrections should work with religious groups, including tribal members, to coordinate religious practices and ensure that religious practices in the prison are respected.

### **WHAT'S BEING DONE**

The Multi-Cultural Legal Center is currently under contract with the Administrative Office of the Courts to develop a standardized, adaptable, cultural competency curriculum for the juvenile justice system. The curriculum will address law enforcement, legal representation, court personnel, youth corrections employees, and treatment providers. The project will include a conference to begin implementation of the curriculum with system administrators. Juvenile Justice program efforts were funded by Title II Formula Grant monies received from the Utah Board of Juvenile Justice and the Commission on Criminal and Juvenile Justice.

## INTERPRETING

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Six subcommittees issued findings or recommendations related to interpreting in the criminal and juvenile justice system. For example, the Pre-Adjudication Committee report included a chapter on the provision of competent interpreters and found that, “[a]t present, law enforcement agencies are not prepared for or capable of taking care of non-English speaking citizens adequately,” and “[t]he problem of competent interpreters as it now exists will be compounded by the continued growth of non-English speaking minorities.”<sup>84</sup> The Representation Committee found that the lack of interpreters and the quality of interpreting result in injustice for some limited-English proficient minorities.<sup>85</sup>

The Courts Committee report had a section on Translation/Interpretation/Language Barriers with numerous findings in this area. The report found that “the Administrative Office of the Courts has been very active in the court interpreter field.” The Committee also noted that “there are not enough interpreters available in a sufficient number of languages, especially outside of the Salt Lake area. Also, “there are no Utah certification programs for spoken languages other than Spanish. Further, “court employees frequently lack an appreciation of the important role of court interpreters.”<sup>86</sup>

Finally, the Juvenile Disproportionate Minority Confinement Committee found that interpreters are often not available to law enforcement and other agencies outside of the court system.<sup>87</sup> In addition, they found that “non-English speaking parents who don’t receive adequate understanding of the charges and/or sentencing are hampered in helping their child be successful either through the court process or post-adjudication.”<sup>88</sup> The SRI research that served as a foundation for this report found that in staff focus groups, juvenile justice professionals “asserted that bias occurs due to language barriers. That is, when staff are not able to speak the language of the youth and their families, youth do not receive fair treatment.”<sup>89</sup>

The Community Resources Committee found that language barriers impede access to services, as in-patient treatment programs do not exist in Utah for individuals who do not speak English. In part, these findings rely upon the work of the Social Research Institute’s study of community resources programs. The community program administrator survey results stated that 55% of the agencies responding reported that interpreting services were available to “anyone” who needed them, 25% stated that they were available to “most” clients, and 10% provided interpreting services for “some” clients. No agencies reported that interpreting services were “not available at all.” In staff focus groups, the issue of language barriers generated a great deal of dialogue. Some participants reported, “a deep lack of interpretation/language services for clients while others stated that they had not noticed a significant problem with language barriers.”<sup>90</sup> Problems appeared most pronounced for languages other than Spanish, though the report notes insufficient Spanish interpreting services as well. The lack of program materials in other languages was a notable problem for some.<sup>91</sup>

The Woolf report on the public hearings notes that there were a great number of stories describing “how things are.” One category of these participant statements were about unfair treatment, specifically when access to services was denied. “Experiences of lack of access due to language barriers included the critical role of interpreters in communicating effectively with the justice system,” and “general experiences of lack of access caused by language barriers.”<sup>92</sup> Major concerns regarding interpreters were the “important distinction between bilingual and bicultural interpreters ... the lack of qualified interpreters, and the reluctance of police and courts to make any special accommodations when defendants were clearly having communication problems.”<sup>93</sup>

The Woolf report on the attorney and judges interviews echoes this language barrier problem. Attorneys mentioned language barriers as “an example of a factor correlated with race that leads to unfair treatment.”<sup>94</sup> Judges were very concerned about issues of interpreters and interpretation mentioning “the impossibility of fully compensating for a lack of English speaking skills; the need for interpreters to understand the culture as well as the language; the varying quality of interpretation; and the difficulties of reliably providing interpretation.”<sup>95</sup>

The Diaz report on the women of color attorney interviews found that “language barriers were a big concern of the participants. The participants felt that judges ‘shut down’ and are disrespectful to people who are obviously of different ethnic or racial background, especially when there is a language barrier.”<sup>96</sup>

Finally, the Pre-Sentencing process report by SRI found that interpreters used by Adult Probation & Parole are from the same pool of interpreters used by the courts. While investigators expressed confidence in the quality of interpretation, they acknowledged that interpreters are often not of the same cultural background as the defendant which could cause “misrepresentation of information to an investigator.”<sup>97</sup> Investigators also acknowledged that pre-sentence reports written via an interpreter are often shorter and with fewer “collateral contacts” than those where an interpreter is not needed.<sup>98</sup> For example, the report states, “it is often the case that an interpreter will hear several paragraphs of dialogue from a defendant, and then respond to the investigator with a few short sentences.”<sup>99</sup> Ultimately, the report recommends that “services for interpreters should continue to be a top priority for AP&P. Language barriers are recognized, but only sufficient numbers of interpreters can reduce the language barrier.”<sup>100</sup>

*THEME: All criminal and juvenile justice system entities should provide quality interpreting to those with limited English proficiency.*

I. All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:

- development of minimal interpreter standards,
- utilization of the AT&T Language Line,
- language training opportunities for law enforcement, including tuition awards and in-house training, and
- use of volunteers to provide assistance with both knowledge of language and culture.

### WHAT'S BEING DONE

The Salt Lake City Police Department (SLPD) has made efforts to provide language training opportunities for its officers in addition to using services to better serve non-English speaking communities. For example, bilingual officers are currently serving on over seven different divisions including Homicide, Hit and Run, and Auto Thefts. The SLPD hopes to expand these numbers by extending resources such as the “Career Path” Program which provides incentives and evaluation for bilingual capabilities.

2. The public and Bar should be provided with easily retrievable information on individual rights to an interpreter and the availability of interpreter services. Strategies should include:
  - Bar and Court web sites, and
  - Audiovisual and pamphlet materials available in multiple languages.
3. The court interpreter certification program should be strengthened and expanded to ensure quality interpretation for all those appearing in court proceedings. Strategies should include:
  - employing a full time administrator, including local managers, as appropriate,
  - employing full time interpreters as court employees, where appropriate,
  - establishing guidelines for contract interpreter selection,
  - monitoring needs requirements for additional language interpreters and certification testing,
  - establishing and maintaining a code of professional responsibility, discipline, and grievance procedure, and
  - conducting a concerted effort to recruit skilled interpreters so that a high probability exists that a certified interpreter will always be used.
4. Interpreters should be proficiently bilingual and culturally competent to provide the proper language and dialect to an individual before the court. More minorities should be recruited to serve as interpreters.
5. Non-interpreter court employees who have bilingual skills and use those skills as a part of their job duties should be acknowledged through increasing starting salary levels and/or appropriate pay increases.
6. The Judicial Council should assign the responsibility to the Court Interpreter Advisory Committee of conducting a feasibility study to evaluate the need, viability, and placement of a centralized authority for overseeing the administration of certification and delivery of interpreter services for all criminal and juvenile justice agencies.
7. Judges must assume responsibility in determining that the race, ethnicity or primary language of defendants, witnesses, victims, and counsel do not affect the ability of individual jurors to be impartial and should instruct court participants on the role of the interpreter (including the administration of the oath in open court).

### **WHAT'S BEING DONE**

The Court Interpreter Advisory Committee has made recent proposals to improve the quality of service for those in need of interpreting assistance. For example, they are recommending that the qualification process for prospective interpreters be modified to include training and ethics testing as well as requirements for courtroom observation. Rule 3-306 has recently been amended to include discipline procedures to be observed following a complaint.

### **WHAT'S BEING DONE**

Beginning July 2000 the Judicial Council approved a year long pilot program offering monetary incentives for bilingual court employees. This statewide effort offers a stipend for various court employees who are able to utilize second language skills during daily activities.

## COMMUNITY RESOURCES/OUTREACH

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A major focus of the Task Force's work, both in its research and its work to build partnerships, has been related to Community Resources and Outreach. Much of the research has pointed to a serious "disconnect" between communities of color and the justice system. The need for better communication and information flow between these groups constitute a significant portion of the recommendations of this report. The recommendations below address three major categories of Task Force findings.

First, the Task Force finds that there is a significant need for public education about the criminal and juvenile justice system.<sup>101</sup> Public hearings demonstrated that many of the participants, whether of minority backgrounds or not, had insufficient knowledge about how the system is supposed to work. For example, the Woolf report on the public hearings states, "[t]he general sense of the hearings was that minorities experienced extreme powerlessness in the face of a justice system that they did not understand and that did not understand them."<sup>102</sup> It was thus not uncommon for individuals to provide statements to the Task Force including the comment that they weren't sure if their treatment constituted bias, even though they certainly felt like they were being treated disrespectfully. In addition, people seemed to lack information about how to access the system, either to participate in it or to file a complaint against it. Public hearing participants recommended education and structural change to address these concerns. Relevant here is their call for educational needs to "inform minorities of the legal system process, and to change minority attitudes regarding accepting responsibility and seeing the other's point of view."<sup>103</sup>

From another perspective, judges interviews showed that judges "placed more onus for facilitating change on minorities themselves, rather than the legal system. For example, judges emphasized that the problem was often the lack of understanding of the system by minorities, rather than resistance from the system itself."<sup>104</sup> Further, staff at community programs also observed that "education about the justice system was lacking for many minorities" and that "[n]ot understanding the laws and cultural norms of America also leads to a misperception about exactly who is expecting compliance from the minority clients."<sup>105</sup> Finally, the juvenile study by SRI ultimately recommended the creation of "Family-Advocacy Programs" that would "aim to help minority and low-income parents, in particular, to learn about their rights and responsibilities within the system."<sup>106</sup>

Recommendations to address this first major community resources/outreach finding fall into three areas: recommendations aimed at the public education system to increase knowledge about the justice system and encourage young minority students toward careers in the justice system; recommendations aimed at community based organizations and other groups to provide information about rights and responsibilities in the legal system to their constituencies; and recommendations to criminal and juvenile justice system agencies to provide information to the public about the procedures available to access the system.<sup>107</sup>

The Task Force's second community resources/outreach finding concerns a lack of mechanisms in the justice system to encourage full participation by racial and ethnic minorities. Perception data from focus groups of women of color attorneys show that, "[a] wide variety of examples were given of



mechanisms that are in place to help women of color, but that are ineffective, for example, the inability of minority institutions to appeal to women of color, the lack of data on attorneys who are women of color, preaching to the choir instead of reaching out to and involving all lawyers in working to break down barriers, and ineffective mentoring.”<sup>108</sup> Judges suggested that “greater minority representation throughout the court system would be uniformly desirable.”<sup>109</sup> Finally, rates of workforce diversity throughout the criminal and juvenile justice system (see *Workforce: Recruiting and Hiring* section) also demonstrate the need for mechanisms to encourage full participation within the system by minorities. These research results collectively point to the need for increased networking opportunities, broad-based recruiting efforts, and capacity building in minority communities.

Third, the Task Force found inconsistent and often inadequate cooperation and collaboration between system and community entities. The Task Force thus recommends a significant effort at building partnerships between criminal and juvenile justice system agencies and community based organizations, local government, civic groups, religious organizations, and local leaders in order to best meet the community’s needs.

*THEME: Educational and informational efforts by all are needed to ensure racial and ethnic fairness and representation in the criminal and juvenile justice system.*

I. The State Office of Education should consider the following as strategies to assist in developing the pool of qualified minority applicants for criminal and juvenile justice careers:

- a pilot criminal and juvenile justice academy/magnet school at the high school level that focuses on the many career opportunities in the criminal and juvenile justice system,
- incorporating criminal and juvenile justice issues into the high school curriculum.

2a. The State Office of Education, via their “Prevention Dimensions” K-12 curriculum, should take a leadership role in partnering with the courts, state government, local government, legal organizations, and community groups, to teach the community and students about respect for different cultures, tolerance of difference, and understanding about what constitutes a hate crime.

2b. The Judicial Council’s Public Outreach Committee should take the lead in helping communities to understand the court process by considering implementation of the following: civics classes for minority communities, tours of the courts for schools and youth clubs, Meet the Judges nights, and having a Court - Community Outreach effort to link the courts and the public.

### WHAT’S BEING DONE

Community outreach efforts by the Salt Lake City Police Department (SLPD) include the placement of detectives in four high schools and two middle schools. Detectives often teach or speak to classes on issues such as court and complaint procedures and citizen rights. Furthermore, SLPD conducts a Youth Academy which seeks to educate students about careers within the department.

### WHAT'S BEING DONE

The St. George Police Department has also taken initiatives to involve community members through programs such as their citizen's academy which offers courses discussing the role and limitations of law enforcement. This academy has also been geared to meet the needs of the minority community and offers sessions scheduled in Spanish. Furthermore, an academy has been established for youth between the ages of 11-14 providing week long job shadowing opportunities that work to build positive relationships between youth and police officers.

### WHAT'S BEING DONE

The Multi-Cultural Legal Center and the Utah State Bar are collaborating to enhance the Bar's pro bono program efforts. The partnership aims to increase the knowledge of the pro bono program services within racial and ethnic communities in Utah and increase the number of minority attorneys participating in the program. Future plans also exist to create an interpreter pool to facilitate the interaction between attorneys and their clients when a language barrier exists.

3. All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:

- law enforcement complaint process,
- judicial complaint process,
- other employee complaint processes,
- annual report on minority bar, and
- web site information on minority bar and judges, to include tribal courts.

4. Minority organizations, including the Utah Minority Bar Association, should anticipate judicial vacancies, encourage minority lawyers to apply and participate directly in the nominating commission and selection processes.

5. The Utah Minority Bar Association and other associations should continue efforts to provide scholarships for minority law students and should work toward developing creative methods for expanding its outreach to recruit and encourage minorities to consider pursuing the practice of law.

6. The Utah State Bar should promote networking as a means for increasing minority membership and participation. This should include:

- social events and educational programs,
- law school programs,
- internships,
- scholarships, and
- mentor programs.

7. Minority communities should organize support groups to develop intervention and mentor/role model programs for high risk youth.

8. Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.

## COMPLAINT PROCESSES

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Research related to complaint processes fell into two major categories of data. First, this topic emerged in significance to the Task Force as a result of the public hearing process. The Task Force then conducted research into the complaint processes of law enforcement agencies via the Pre-Adjudication Committee and the Task Force's comment period.

Public hearing participants raised multiple concerns about law enforcement complaint processes at numerous hearings, including the Sorenson Multicultural Center hearing, the Central City Community Center hearing, the Indian Walk-In Center hearing, the Logan hearing, and the Layton hearing. Participants expressed concerns that ranged from a lack of feedback or inadequate feedback from agencies after filing a complaint, to a concern about never being contacted to provide testimony, to concerns about a lack of meaningful civilian or public input into the process, to feelings of intimidation and fear of harassment that kept individuals from filing complaints. While the purpose of the hearings was not to establish fact but rather perceptions, the frequency of the comments raised the concern of several Task Force members both about the public's knowledge of how complaint processes work as well as the actual process itself. Here, as elsewhere, perception and reality are closely connected, to the extent that there is widespread perception in the minority community that the system is ineffective or inadequate.

In its report on the public hearings, the Client Committee made recommendations about improving the complaint and grievance processes of the criminal and juvenile justice system. In the Woolf report on the public hearings, the report states, "[t]he most important themes of structural change were the increased representation of minorities throughout the justice system and the independent oversight of judicial institutions. . . . Participants expressed little or no confidence that abuses and discriminatory behaviors will be adequately addressed by the current system . . . . Many respondents spoke of the fear of retaliation that prevented them from filing complaints."<sup>110</sup> The report also found that "[s]trong and frequent requests were expressed for increased minority participation in all facets of the justice system: police, attorneys, judges, review boards, and administration."<sup>111</sup>

The Pre-Adjudication Committee spent some time attempting to learn more about law enforcement complaint processes across the state. The Committee asked 22 agencies across the state to respond to written questions about their respective policies and procedures. According to its report, the Committee was interested in determining:

- (1) whether law enforcement agencies have in place a law enforcement abuse complaint process;
- (2) how the complaint process is organized;
- (3) whether the organizations keep track of the ethnicity of the person complaining;
- (4) whether the law enforcement entities keep track of the ethnicity of the officer which had a complaint filed against him/her;
- (5) what action is taken as a result of the filed complaint;
- (6) whether there is a review board in place to challenge and verify the findings made by the organization;
- and (7) if there is a review board in place to determine the make-up and terms of the review board members.<sup>112</sup>

Responses and results of the research are outlined fully in the Committee's report. The results have been criticized by law enforcement, stating that the data are not fully accurate. However, the Committee did find, for example, that 95 percent of the agencies surveyed stated that they have a complaint process in place. None of the agencies keep a record of the officer's ethnicity. Thirty-six percent said they had no record of complaints for the years of 1996-1998. Sixty percent indicated they did not have a review board. Those that had a review board had varying definitions of review boards, with different operating procedures and guiding policies. Finally, 63 percent said that they do not make efforts to inform the public of their existing complaint process.<sup>113</sup>

The final aspect of the Task Force's research on complaint processes was its comment period (see *Comment Period* section for more information). The Task Force received written comment from several law enforcement entities in the state, including the Duchesne County Sheriff's Office, Peace Officers Standards and Training, Salt Lake City Police Department, St. George Police Department, and the Utah Department of Corrections. Some of these agencies submitted comment regarding the complaint processes, both expressing concern about some of the proposed Task Force recommendations and providing information about its current process. Factual information about the current practices of law enforcement, submitted during the comment period are included below to acknowledge what is currently being done in this area.

The Task Force faced a number of challenges in making constructive recommendations in this area. Part of the difficulty stems from the fact that law enforcement agencies fall under almost as many sources of authority as there are different agencies. Municipal police departments, county sheriff's offices and statewide law enforcement are all independent from one another and have a vast range of sizes, resources, and jurisdictions. These variations in law enforcement are compounded by rural versus urban differences and ultimately make it difficult to recommend improvements that will be both viable and helpful. For instance, while a recommended solution may work well in an urban environment, it may be less cost effective, or even less constructive to implement in a rural setting. The Task Force believes that complaint processes can be improved despite these variations. And its members felt strongly enough about this issue that it chose to address it directly with the recommendations below.

Finally, the Task Force acknowledges that the goal of this section's recommendations, as stated in its overall theme is to make the complaint process user-friendly, allowing individuals to be free from harassment, intimidation and retaliation. The Task Force hopes that reaching this goal will address the perception of little or no confidence that complaints will be adequately addressed and that it will provide law enforcement agencies with a productive mechanism for investigating potential problems. They address both the process of filing a complaint as well as the public's access to information regarding complaints. The report's *Community Resources/Outreach* section deals with increasing public knowledge about complaint processes.

*THEME: Complaint processes should be user-friendly, allowing individuals to file complaints in a non-intimidating environment and free of harassment, retaliation and retribution.*

I. At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.

2. The Peace Officer Standards and Training (POST) Council should establish a model complaint process for law enforcement agencies. The POST Council should take into account the following issues:

A. Every law enforcement agency should have a Citizen's Review Board or a similar review process that investigates allegations of excessive force and other allegations of substantial civil rights violations. This review board should represent a cross section of the community not employed by law enforcement.

B. Every law enforcement agency should complete the review of the complainant's investigation within a reasonable time period and include a written response with supporting testimony or documents to justify the law enforcement agency's actions or inactions.

C. Every law enforcement agency should allow a complainant to file a law enforcement abuse complaint via the telephone.

D. Law enforcement agencies should accept anonymous complaints and should include a procedure informing anonymous complainants of the limits of investigations that are inherent to anonymous complaints.

E. Law enforcement agencies should allow the complainant to review, for verification of accuracy, a copy of his/her testimony.

### **WHAT'S BEING DONE**

While many agencies, including the Salt Lake City Police Department and the Department of Corrections, currently have review processes in place, the Utah Chief's Association has agreed to encourage police departments and sheriff's offices without adequate policies to adopt a written policy.

### **WHAT'S BEING DONE**

The Salt Lake City Police Department (SLPD) is working in compliance with a Civilian Review Board that examines complaints about police conduct as well as conducts audits of particular police department files relating to internal police investigations. Following these audits, the board produces periodic reports regarding trends that they have noticed as well as recommendations for future action. Information on how to file a complaint with the review board is placed in libraries, city buildings and is distributed during outreach programs. The brochures are written in both Spanish and English.

The West Valley Police Department has also established its Professional Standards Review Board (PSRB) which grants every Internal Affairs case a hearing. The current board hosts five civilian members all of which have been approved by the city manager and city council, as well as one police representative. The board assembles monthly to review complaints, police pursuits, and occurrences involving the use of force. Based on their findings they make recommendations to the chief of police. The PSRB has also made efforts to educate the community about these resources including a forum hosted by the NAACP wherein the Chief responded to questions about the complaint process.

### WHAT'S BEING DONE

In 1998, the Judicial Council established a unique statewide Court Information Line: a resource through which Utahns may receive answers about court-related questions. The toll free number was suggested by the Administrative Office of the Courts as a public service for the community to turn to with questions or complaints. During its first year alone, the line received 1400 calls requesting information concerning Utah statutes and court processes.

F. Every law enforcement agency should have the complaint reviewed by the officer's supervisor and by someone other than the officer's immediate supervisor.

G. Every law enforcement agency should list general categories of common complaints (i.e., verbal, physical, harassment, action conducted by the law enforcement officer) on the complaint process form.

H. Law enforcement agencies should work to instill public confidence in the review process by keeping the public informed as to the total numbers and types of complaints filed per year, the types of dispositions on those complaints, as well as information about the complaint process itself.

I. Literature describing the complaint process, the complainant's rights to appeal, and the consequences for filing false complaints should be printed in English as well as other languages, and should be available at law enforcement agencies in plain view.



## ADMINISTRATION

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Many of the Task Force's recommendations are administrative in nature, that is, they require policy changes and decisions by management to effect change. Recommendations address groups such as the Utah Legislature, county and local governments, criminal and juvenile justice system agencies, and the Utah State Bar. As noted by the Client Committee in its report, "certain aspects of racial and ethnic fairness in the criminal justice system are best affected by the decisions, attitudes and examples of leadership."<sup>114</sup> The Task Force urges local and state leaders to address these issues, all of which are based on Task Force research as outlined below.

### *Hate Crimes*

As a result of its sponsorship of the *Changing Face of Hate*, a statewide symposium on hate crimes (see *Task Force Structure and History* section for more details), the Task Force received a significant amount of input on this issue, from community groups, individuals, professionals, and national experts. This two-day educational dialogue session revealed an unmet need for a safe and central location for hate crimes prevention and education.<sup>115</sup> Certainly partnerships between existing organizations would facilitate the creation of such an entity. The cooperation of the entire criminal and juvenile justice system is required to provide this entity with the credibility and resources necessary to adequately address the problem.

### *Racial Profiling*

Racial profiling by law enforcement has been a major issue for the Task Force. The first mention of racial profiling came during the public hearings. Task Force members are clear that these public hearings were not meant to establish fact, but instead, as the Woolf report states, the public hearings were "explicitly intended to gather and understand people's perspectives and interpretations of their experience of racial and ethnic bias, rather than to attempt to establish in any objective way whether such bias does or does not occur."<sup>116</sup> The report also notes that "[q]ualitative research . . . assumes that people's experiences are to a great extent interpretations of the world, rather than objective descriptions to it." While the Task Force has received criticism for relying on this type of research, it should be noted that although the report does not reflect established facts, "two factors support the validity of the report. First, the report identifies only consistent themes expressed by many people at many hearings. While unique or uncommon experiences may be important or heartfelt, they have not been included in the report. Second, speakers were told to limit their presentations to five minutes each, and therefore had to select the stories that were felt the deepest. The story selection process was taken seriously [as evidenced by the prefaces of many participants' remarks]."<sup>117</sup>

The Woolf report contains a section specifically addressing profiling as a theme of unfair treatment mentioned during the public hearings. The report states,

Profiling is a term used by many respondents to describe experiences of being stopped, followed, harassed, or singled out of a group by a police officer, on the basis of appearance, without any suggestion that a specific wrongdoing has occurred. Profiling is described as part of the normal, everyday experience of minority life, regardless of social standing or position. Many people indicate that profiling has increased in recent years, and most have accepted profiling as a part of life that must be endured. Many describe the emotional strain that profiling creates. Typical emotions are anger, sadness and dismay that this is occurring in America, conflict with feelings of cultural pride, and frustration that a minority group has to suffer as a whole because of the behaviors of a small number of its members.

Two different types of profiling were identified. The first is based on various aspects of a person's appearance, and the second is based on a person's location, for example, a minority person driving in an upscale non-minority neighborhood.<sup>118</sup>

In addition to comments made at public hearings, attorneys, judges, and juvenile justice system personnel also indicated that they felt racial profiling occurs. The Woolf report on the attorney and judges interviews states that, "attorneys also expressed a strong belief that racial profiling by the police was standard operating procedure, but they also emphasized other types of profiling: profiling by judges and prosecutors, and the increase in profiling cases since the Lopez case."<sup>119</sup> While judges, by contrast, "felt there was very little visible manifestation of unfairness," they expressed that what existed "was confined primarily to profiling activities of the police."<sup>120</sup> Finally, juvenile justice system professionals perceive that minority youth overrepresentation is "due at least in part to racial profiling by police."<sup>121</sup>

Due to this preponderance of qualitative input, the Task Force attempted to determine if indeed the existence of racial profiling could be established in Utah. Community members claimed they could prove the existence of profiling based on their personal experiences. They could not. Certain law enforcement agencies claimed they could prove that racial profiling did not exist based on their existing databases. They could not.

The Task Force worked with law enforcement data specialists and chiefs of police from several major urban enforcement agencies in the state to attempt to analyze databases for profiling. A large number of data challenges (see *Data Challenges* section for more details) served as major obstacles that ultimately precluded the Task Force from determining if racial profiling exists.

The Task Force did ask its research consultants to formulate an assessment of each of these agency databases and to determine what data fields would need to be collected in order to conduct a future study of racial profiling in Utah.<sup>122</sup> Consultants also completed an analysis of the Utah Highway Patrol database to determine what data would need to be collected and which of these fields are already being collected.<sup>123</sup> Recommendations in the research section of the report advocate future studies on racial profiling once database modifications are complete.

The topic of racial profiling is nationwide. It is also a controversial, divisive topic. Undoubtedly, some Task Force members are personally convinced that racial profiling is a fact of life in Utah, one that



affects the lives of minority people profoundly. Other Task Force members are equally persuaded that racial profiling is not tolerated by law enforcement officials in Utah and does not affect the lives of minorities here. Still others may be undecided. However, all Task Force members agree that law enforcement administrators and directors should not tolerate police conduct in decision making that is based solely on race or ethnicity. Its recommendations in this section attempt to address what administrators in the law enforcement community can do to help ensure that racial profiling does not have the sanction to exist here in Utah.

### *Legal Representation*

Recommendations addressing the Utah State Bar and issues related to legal representation more generally were the focus of several subcommittee and research efforts. The need for increased networking and avenues for minority lawyers is documented in the *Community Resources/Outreach* section and is supported by research completed by the Representation Committee, the Courts Committee and the Woolf and Diaz reports on the women of color attorneys focus groups.

The quality of legal representation was raised repeatedly. The public hearings noted a “lack of professional standards of representation” as well as an “unavailability to minorities of private attorneys due to unaffordability, and the unavailability of interest and concern from public defenders. Two separate forms of unfairness were thus coupled and intensified: unfairness due to low economic status, and unfairness due to the apparent lack of interest in the fate of minorities in the current public defender system.”<sup>124</sup>

In the juvenile justice study by SRI, system personnel concurred, saying that “because minority youth are often from lower-income families, they may have inadequate representation in court. According to staff, such legal representation results in more severe dispositions for minority youth.”<sup>125</sup> While the Representation Committee’s survey of attorneys regarding caseloads did not yield strong feelings of negative impact upon minorities, the Committee did find that the “impact of a lack of resources on rural public defenders points to a disparate impact upon the adequate representation of racial and ethnic minorities because the percentage of minorities in several rural counties is higher than that of the state as a whole.”<sup>126</sup> More generally, the Committee noted the overrepresentation of minorities in the indigent population and called for policy and procedural changes to occur in an environment that considers the implications of this fact.<sup>127</sup> The Task Force recommendations in this area are designed to do precisely that, address broad issues related to legal representation with the acknowledgment that minority populations will be impacted by those changes.

### *Adjudication*

The sentencing process received considerable attention by the Task Force. The Courts Committee began an assessment of the pre-sentence investigation process, finding it to be “a critical part of the sentencing process.” It also found:

- Pre-Sentence investigation workers lack specific training regarding racial and ethnic bias.
- Historically, pre-sentence reports began with the identification of the defendant and victim by race.<sup>128</sup>

Regarding the sentencing process itself, the Committee supported the use of the indeterminate sentencing model. However, it also found that “any tools used for sentencing could result in racial and ethnic disparity or bias.” And that “there is very little racial and ethnic diversity among those involved in the sentencing process, with the exception of defendants. Committee members believe that this lack of workforce diversity in this segment could lead to unintentional biases in the sentencing process due to a lack of cross cultural experience of [those in decision making roles].”<sup>129</sup>

The Task Force also asked the Social Research Institute (SRI) to assess the pre-sentence investigation (PSI) process. The report established areas of the process that had potential for bias: first, the lack of adequate workforce diversity of pre-sentence investigators yields the potential for less cross cultural experience and thus the possibility of bias, and second, the lack of cultural competency training for contract pre-sentence investigators. Additionally, the report noted that “the effect of the defendant feeling mistrust for the investigator could have an effect on the report because much of the content of the interview depends on the defendant’s willingness to reveal [his/her] personal history. That is, perhaps a defendant of a certain ethnicity does not trust an investigator and so withholds the information. This could hurt the defendant’s sentencing outcome to some degree.”<sup>130</sup>

Since judges tend to follow the recommendations of the pre-sentence report approximately 90 percent of the time,<sup>131</sup> the Task Force sees this process as critical to ensuring racial and ethnic fairness in sentencing. An analysis comparing pre-sentence investigation recommendations to Utah sentencing guidelines and to the actual sentence imposed formed a focal point of the research on sentencing. For this study, data were provided by the Utah Department of Corrections, as this database was the most complete and accurate of those containing sentencing information. The data contained the following information on individuals in their system: offense, degree of the offense, criminal history, pre-sentence investigation recommendations, sentencing guideline recommendations, actual sentence, race/ethnicity, and judicial district. Complete information was received for 1,155 individuals sentenced during 1999. As noted in the SRI report, one of the problems with using data before October 1998 was the policy change to new sentencing guidelines and the incompatibility between these two data sets.<sup>132</sup>

One of the challenges of this analysis was the small sample size. When controlling for the effect of criminal history and types of offense, the resulting numbers for comparison were often too small to draw statistically reliable results. However, there were some instances that allowed for analysis. *When comparing the three largest offense categories: property, drug, and sex crimes for the least severe 3rd degree crime and the least serious criminal history, very little difference existed between the pre-sentence investigation recommendation and the actual sentence. Almost all of the individuals, regardless of race, received probation.*<sup>133</sup>

The analysis looked for agreement and disagreement between the pre-sentence recommendation, the sentencing guidelines, and actual sentences. The report states that “*there appears to be a high level of agreement between the PSI recommendations and the actual sentence for both minorities and Whites (89.2% and 93.0%).*”<sup>134</sup> This finding supports the statistic cited above that judges tend to follow pre-sentence recommendations. When comparing pre-sentence recommendations to the sentencing guidelines, the two measurements agree 79.8% of the time for minority defendants. For whites, the pre-sentence recommendation and sentencing guidelines agree 87.5%. On this comparison, the report concludes that “while there is not as much agreement between the PSI and the guidelines as there was between the PSI and the actual

sentence, the agreement is still fairly high for both minorities and Whites. It is clear from the comparisons that the PSI is more accurate for Whites than minorities.”<sup>135</sup> In fact, a Chi-square statistical test reveals *significantly less agreement between the pre-sentence recommendations, sentencing guidelines, and the actual sentence for minorities than Whites*. As noted in the report, “this project found that all of the 18 pre-sentence investigators at SL County Adult Probation & Parole (AP&P) were white. This lack of ethnic representation may be one reason that there is more disagreement between PSI recommendations, sentencing guidelines, and the actual sentence for minorities than Whites.”<sup>136</sup>

The analysis continued by examining agreement rates by judicial district. The Third Judicial District (including Salt Lake, Tooele, and Summit Counties) has the largest number of minorities and percentage of cases. Only the Second Judicial District (Weber, Morgan, and Davis Counties) also had enough cases to conduct a separate analysis. For that reason, analyses were conducted on these two districts separately, and then a third analysis combined the remaining six districts (1, 4, 5, 6, 7, and 8). The only difference noted among the districts was a higher level of non-agreement between the pre-sentence recommendation and the actual sentence given by the judge. This fact was especially true for minorities. While other districts had non-agreement rates for minorities of 6.3% (2nd District) and 7.5% (Districts 1, 4, 5, 6, 7, 8), the 3rd District had a non-agreement rate for minorities of 17.5%. *Thus, in the Third Judicial District, judges tend more often than in other locations to depart from the pre-sentence recommendation made by AP&P for minorities.*

In light of these findings, however preliminary, the importance of a non-biased pre-sentence investigation process becomes paramount. Task Force recommendations address this issue below. In addition, SRI has outlined additional recommended research in this area to determine more completely if the process leads to racial bias in sentencing.<sup>137</sup>

### *Juvenile Justice*

Recommendations related to the administration of juvenile justice in Utah have their origins in issues raised at public hearings and in research conducted by the Social Research Institute (SRI). Statements at public hearings included those that expressed “the improper bypassing of parents in juvenile situations,”<sup>138</sup> “despair at not being heard by the system,”<sup>139</sup> and “extreme powerlessness in the face of a justice system they did not understand, that did not understand them, and in which the power differences between themselves and those in authority were so great that resignation and inertia seemed to be the only rational responses.”<sup>140</sup> When considered in conjunction with findings and recommendations by SRI in its juvenile justice study, the Task Force formulated several recommendations that are designed to make the system more accessible, culturally appropriate, and user-friendly.<sup>141</sup>

**THEME:** *All components of the criminal and juvenile justice system should not tolerate racial or ethnic bias or discrimination in their agency. All such agencies should evaluate their policies and procedures for any disparate impact upon minority populations.*

### *System-Wide*

I. Utahns should be provided a safe and central location to learn more about hate groups and hate

motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.

### *Law Enforcement*

2. Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.
3. Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.
4. Law enforcement agencies should seek funding necessary to install video cameras with audio capability to be used in patrol vehicles and micro-cassette recorders to be utilized on citizen contacts away from the patrol vehicle in order to ensure against profiling based on race and ethnicity.

### *Bar*

5. Activities by the State Bar should include:
  - encouraging Utah women of color to participate in bar activities, and
  - coordinating efforts of Young Lawyers of Utah, Women Lawyers of Utah, Bar and Utah Minority Bar Association to increase the number of minority lawyers and their participation in bar activities.

### *Representation*

6. Public defender contracts should be awarded to attorneys who have experience and competency in criminal law.
7. Law enforcement, prosecutors, and judges should not be decision makers in the award of public defender contracts. Input from others should be sought by those who decide the awards.
8. The budget for appointed attorneys should be separate from the budget for county prosecutors. Since funding a public defender office with funds from the prosecutor office budget can create the appearance of a conflict of interest, local governments should ensure that the budgets are separate.
9. Public defender and prosecutor caseloads should be lightened so as to allow more attention to individual cases.
10. Comparable pay for comparable experience should be given to public defenders and prosecutors so that lateral transfers within the system are possible.

11. Public defenders and all criminal defense attorneys should provide their clients with referrals to other agencies that can assist in resolving problems that are not legal in nature and thus outside the expertise of the attorneys.

12. The Legislature, county and local governments should provide additional financial resources to bring all prosecutor and legal defense offices up to the equivalent provided to the Salt Lake District Attorney's Office and the Salt Lake Legal Defender's Association.

### *Adjudication*

13. In order to develop race-neutral release policies, Utah's criminal justice system should adopt objective criteria for pre-trial release.

14. The pre-sentence report header should not include any information on race/ethnicity of the accused and victims. At no time should race or ethnicity be considered in the pre-sentence evaluation, except when that information is an integral component to the pre-sentence evaluation, such as police report descriptions or in hate crimes. The data, however, should be collected and maintained separately and electronically if possible.

15. Upward departure recommendations on pre-sentence investigations should, by policy, require review by a supervisor. Records shall be kept in a searchable form of all approvals for upward departures.

### **WHAT'S BEING DONE**

Salt Lake County Pre-Trial Release utilizes a standardized and race-neutral set of guidelines in evaluating whether an individual should be released to supervision. These criteria include factors such as criminal history as well as pre-trial history. Additionally, the individual must demonstrate a minimum residency requirement and have local ties to provide references.

16. The Judicial Council should request annual reports from the Administrative Office of the Courts and the Utah State Bar outlining their progress in implementation of court workforce recommendations.

17. Court ordered psychological evaluations (i.e., those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client's cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.

### *Juvenile*

18. Juvenile justice system services should be provided to the entire family to insure that family issues that may contribute to delinquent behavior are addressed as well as those of the minor.
19. The Juvenile Court, and its attendant services, such as probation, should expand its operating hours to accommodate work responsibilities of many parents of court clients.
20. Advocate positions should be created by the Utah State Courts as a means of helping individuals and families through the court process. The availability of an advocate who is knowledgeable about the system, has a bi/multi-lingual capability, and has demonstrated cross-cultural skills would create a perception of a friendlier and more caring system.
21. Community based organizations that are engaged in intervention projects targeting minority youth should utilize existing research on reducing risk and enhancing strengths (i.e., the Hawkins Catalano Communities that Care Model,<sup>142</sup> Search Institute Asset-Building Model) in their program development efforts.
22. The Division of Youth Corrections should include cultural competency as one criteria in its review of contract treatment programs. The ability to serve clients and families whose first language is not English should also be considered.
23. Treatment programs need to improve their content to recognize that cultural and ethnic differences exist and adjust the program content to better serve the needs of all clients served. Culturally and ethnically appropriate mentor programs should be designed and implemented.

## DATA

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The recommendations contained in this section of the report respond primarily to research obstacles that the Task Force encountered in the course of its work. The types of challenges are outlined in greater detail in the *Data Challenges* section of this report. However, where other sources of support for these recommendation exist, they are mentioned below.

### *Discussions of Data Need*

During its retreat, the Task Force held extensive discussions on the need for racial and ethnic data in the criminal and juvenile justice system. It must be acknowledged that there are risks inherent to collecting such data. The collection of such data can potentially be misused in situations that could result in increased racial bias. The collection of data can sometimes serve to inflame situations of contact between staff and clients (i.e., police - citizen contacts), or at least draw attention to issues of race where none may exist. Task Force members were acutely aware of these risks in their discussions. In addition, some criminal and juvenile justice system members of the Task Force stated their reluctance to collect such data based on their understanding that it was improper to do so.

The discussions yielded agreements about the collection of race and ethnicity data. First, members reached the agreement that *the need to collect the data outweighs the risks associated with collection*. Minority members of the Task Force stated the importance of understanding the problem at the same time as they urged that necessary precautions be taken to guard against improper use of the data. Second, the group agreed that *race and ethnic data should be kept separate from the decision making process*. For example, race data should be kept on hiring applications but should be separated from the application prior to review by the supervisor. Therefore, data is kept for tracking and research purposes, not staff decision making purposes. Third, *racial and ethnic community leaders stated their desire that this data be collected and expressed their ongoing interest in knowing what the information yields about the status of race and ethnic fairness*. Fourth, *the tracking of data often results in increased sensitivity by decision makers in the system*, as it raises the consciousness level about the issue. This increased awareness can result in changed behaviors over time.

With community leaders participating in the Task Force process and the ongoing tracking and interpretation of the data, the Task Force agreed that the collection of race and ethnic data was worth pursuing.

### *Crime Victims*

The Courts Committee noted an absence of statewide crime victim information specific to race and ethnicity. The collection of this data would facilitate future research. One study, sponsored by the Task Force, involved victims but met with minimal success.<sup>143</sup> A database providing some of the information needed for analysis would have greatly aided such a project. The data would have the additional benefit of facilitating knowledge related to hate crimes in Utah.

### *Law Enforcement*

As mentioned earlier, the Task Force encountered a number of challenges related to law enforcement data, particularly in relation to its juvenile justice study's use of Bureau of Criminal



Identification data. Lack of reliable data and missing data were two significant concerns. In addition, attorneys in the general attorney focus groups noted that the lack of information on race in databases, such as police records demonstrates an impediment to positive change in the system.<sup>144</sup> SRI has proposed potential research studies related to profiling that should be enabled if data collection recommendations are implemented.<sup>145</sup> Finally, data collection in areas such as the complaint process are crucial to provide accurate feedback to the public and to provide law enforcement with a mechanism to investigate and track potential race-related problems.

### *Legal Representation*

The need for data on legal representation issues was underscored by the difficulties in conducting research in this area. Concerns about legal representation were not uncommon at the public hearings. However, there were studies that the Task Force was unable to undertake given data limitations and fiscal constraints. Two future studies, outlined in further detail in the *Research* section of this report were created by SRI as part of its research contract.<sup>146</sup>

### *Courts & Judges*

The data collection recommendations for courts and judges will enable future analyses that were either impossible for the Task Force or difficult given the quality or accessibility of the data. Especially notable was the lack of data related to jury service. While the Task Force asked SRI to conduct an initial evaluation of the jury selection process, data issues made progress on this issue beyond the time frame of the Task Force.<sup>147</sup> This section and the *Research* section of the report have specific recommendations related to jury data and studies that should enable a more complete understanding of the effect of race on jury service. Finally, SRI also completed an outline of a future study to analyze the representation on juries by race and ethnicity.<sup>148</sup>

*THEME: Data collection of race and ethnicity is necessary for accurate understanding of racial and ethnic fairness in the criminal and juvenile justice system. The entire criminal and juvenile justice system must make a commitment to the proper collection of racial and ethnic data for the sole purpose of system-wide research. All efforts to collect race and ethnicity data should be kept for data purposes alone, and necessary precautions should be taken to ensure against improper use of the data.*

### *System-Wide*

1. The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.

### *Law Enforcement*

2. Individual law enforcement agencies should track yearly the following data related to complaint processes:

- Review board members' race and ethnicity,
- Review board members' length of service,



- The officer's race/ethnicity,
- The complainant's race/ethnicity, and
- The overall number of police abuse complaints filed and their dispositions.

3. Law enforcement agencies should keep not only accurate, but readily compilable, accessible and reviewable racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (i.e., gang-related stops, traffic violations).

4. The Utah Department of Public Safety should modify and improve the Bureau of Criminal Investigation database. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The Utah Sheriffs' Association, the Utah Chiefs of Police Association, Peace Officer Standards and Training (POST), and the Bureau of Criminal Investigation should give strong support for maintaining a statewide, standardized law enforcement software which would consistently report crime and arrest information. These organizations should seek complete and regular reporting from all law enforcement agencies in the state.

#### *State Bar*

5. The Utah State Bar and Utah Minority Bar Association should track and report racial data to the Utah Supreme Court, including:
- number of minorities employed at the Bar,
  - participation of minority lawyers in bar activities and leadership positions, and
  - racial and ethnic composition of Utah State Bar, including applicants for Bar exam.

#### *Representation*

6. Salt Lake Legal Defender's Association and other providers of public defender services in Utah should keep track of the race, ethnicity and primary language of each defendant served. These data should be kept electronically, if possible.

#### *Court*

7. Track electronically racial and ethnic data on pre-trial release decisions, including Consent Decree Release (CDR), release to Pre-trial Services (PTS), and release on own recognizance (OR).
8. The Administrative Office of the Courts should keep statistics regarding the race and ethnic background of judicial applicants (for appellate, juvenile, and district court positions) throughout the application process. The process for collecting these data should allow applicants to self-identify their race/ethnicity. The data should be used for statistical purposes only. Therefore, data should be collected with the application but separated prior to the review process.

9. The Administrative Office of the Courts' court employee application form should include some type of form that requests Equal Employment Opportunity data as an optional part of the application. The collection of this data should be used for statistical purposes only. Therefore, the form should not be attached to the application so as to ensure that the information will not be forwarded to the interview process. The data should be self-reported. A self-addressed postcard or foldable mailer are two possibilities.

### WHAT'S BEING DONE

After three years of compiling data from judges, lawyers, jurors and jury clerks, the Committee on Improving Jury Service released its final report to the Judicial Council in July 2000. The Committee was established with the goal of improving the lives of jurors and their role within the judicial system. Their final report makes several recommendations related to improving racial and ethnic fairness. For example, the report suggests broadening the master jury list using Social Security Administration records, U.S. Postal Service records, and purchasing updated software as a means of representing an inclusive adult population. They additionally recommend that the Judicial Council begin collection of demographic information in the categories of race and ethnicity, among other groups, in order to determine whether certain individuals have been excluded from the process.

10. Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.

11. Justice courts across the state should maintain data on sentencing decisions by race and ethnicity. Data should be kept in a consistent manner for the purposes of evaluation.

12. The racial and ethnic composition of the qualified jury list and of jury service should be tracked regularly to determine levels of participation by minorities and the representativeness of Utah's jury pool database.

### *Judges*

13. The Judicial Conduct Commission should track and publish the total number of complaints and the aggregate outcome of those complaints by outcome category.

14. The Judicial Council should require justice courts to provide statistical information to the Administrative Office of the Courts (AOC) on workforce issues that the AOC tracks for other levels of court, including racial/ethnic data on judicial applicant pools.

15. The Judicial Performance Evaluation Committee should add the following item to the judicial performance evaluation form to inquire specifically about racial and ethnic bias. Respondents should be asked to rate the justice or judge on the following issue: Engages in any language or behaviors or allows others in the courtroom to engage in any language or behaviors that result in racial, ethnic or gender bias or the appearance of racial, ethnic or gender bias?

### *Corrections*

I6. The Department of Corrections should keep racial and ethnic statistics regarding the demographics of the prison, probation and parole populations, including: offense by type(s); recommendations of pre-sentence reports; sentencing guidelines compared to sentences by courts to probation, prison; length of stay compared with sentencing guidelines; probation or parole violation rates, termination of probation or parole rates; and those with illegal alien status, so that the impact of efforts toward increasing racial and ethnic fairness can be properly monitored.

### *Youth Corrections*

I7. The Division of Youth Corrections should collect socioeconomic data in its database in order to facilitate a future examination of the relationship of social class to custody issues.

### **WHAT'S BEING DONE**

In 1996, the Department of Corrections began implementation of the new database system "O-Track." The offender tracking database has been in use since the beginning of the year and provides comprehensive information concerning everything from the offender's criminal history to their length of prison stay. The new database provides sentencing and release information and will allow for future analysis of decision making in this area.

## RESEARCH

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The research recommendations contained in this section of the report are designed to promote future studies in the area of racial and ethnic fairness. Some studies require changes to data collection practices before completion, as noted in the *Data* section of this report. Other studies can be done immediately and are recommended as follow-up to Task Force research. In several instances, the lead agencies of the recommendations have already indicated their willingness to conduct such research. In a few other instances, actions are already being taken. In such cases, that progress is noted in a *What's Being Done* sidebar.

In addition to the recommendations contained below, the Social Research Institute was asked by the Task Force to create research protocols and outlines for potential future studies to determine if racial and ethnic bias is present in segments of the system. These outlines are as follows:

- Prosecutorial Discretion
- Public vs. Private Legal Representation
- Pre-Sentence Investigation Reports
- Analysis of Juries: Representation by Race/Ethnicity
- Post-Adjudication Study (credit for time served)<sup>149</sup>

Finally, it is important to note that the significance of recommending these studies is ultimately dependent upon the willingness of the system to continue to engage in research efforts on this subject of racial fairness. In order to help ensure implementation, the Task Force has outlined an implementation plan contained in the *Plan of Action* section of this report.

*THEME: Further research in the criminal and juvenile justice system is necessary for a full understanding of the existence or extent of racial and ethnic bias.*

### *System-Wide*

1. The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.

### *Law Enforcement*

2. The Commission on Criminal and Juvenile Justice should sponsor research into the alleged practice of stacking of charges to determine whether minorities receive more charges on arrest than non-minorities.

3. The Commission on Criminal and Juvenile Justice should study law enforcement data regarding racial profiling, once sufficient data has been collected by local law enforcement agencies (i.e., Salt Lake Police Department, St. George Police Department), and should publish their findings.
4. Law enforcement, in conjunction with other agencies, should support research to define and identify the nature and extent, if any, of racial profiling.

### WHAT'S BEING DONE

Racial profiling, or the act of targeting minorities because of their skin color, has been a controversial issue that has prompted over 100 police departments nationwide to action. In the Spring 2000, the Salt Lake City Police Department, along with the St. George Police Department, announced that they would begin voluntarily collecting racial data in attempt to discover whether or not racial profiling exists within Utah. Before these efforts, data were not collected, thus making it difficult to observe whether or not a disproportionate number of minorities are pulled over. SLPD officers are now being instructed to note the race of the individual pulled over and periodic reports will be released to detail data collection findings. Prior to publication of this report, SLPD announced preliminary findings that their statistics showed evidence that racial profiling stops were not occurring in Salt Lake City. As of August 2000, the Task Force has not been presented with the data to substantiate those findings.

### WHAT'S BEING DONE

The Social Research Institute has been working with various law enforcement agencies and the juvenile court to examine whether or not bootstrapping, defined as the alleged practice of stacking charges onto an individual within a single criminal episode, occurs and if so, if it is disproportionate to the minority population. Evidence that bootstrapping disproportionately affects youth of color would assist in explaining why such youth are more likely to be incarcerated than are Caucasian youth. Following recent SRI findings, this study will examine youths' records from a county with a larger proportion of youth of color to determine whether the case files of youth of color include more charges per incident than do files of Caucasian youth.

5. The Driver License Division of the Department of Public Safety should request that each applicant for a driver license or state identification card state his or her race and ethnicity in accordance with the categories established by the U.S. Census.

### *State Bar*

6. The Utah State Bar should review disciplinary practices for racial and ethnic bias.
7. The Utah State Bar should have the admissions process and procedures reviewed for racial and ethnic bias, and review the bar exam for disparate impact.
8. The Utah State Bar should examine the reasons behind the large percentage of minority lawyers who have "inactive status" with the Bar. Where appropriate, the Bar should develop internship and placement programs for minorities.

### *Representation*

9. The State of Utah should conduct an assessment of how indigent defense services are conducted. The Task Force recommends the establishment of an Indigent Defense Review Council (IDRC) to be active for three years. Membership in the IDRC would be designated by the Legislature and would include one committee member from each judicial district in Utah, minority representation reflective of Utah's overall population, as well as an equal balance between prosecution and defense counsel, and others. IDRC would be charged with studying current delivery efforts in each county with specific attention to standards of fairness as applied to the representation of racial and ethnic minorities. IDRC would be state-funded, and its services divided as follows:

- Phase One: Review existing policies and procedures, as well as historically relevant issues, related to statewide indigent defense.
- Phase Two: Create a report of findings and recommendations for changes and improvements to existing policies and procedures based on the Phase One review. Include in the report the creation of broad statewide standards to apply to each individual county. At the end of Phase Two, the IDRC will report back to the Utah State Legislature regarding their findings and recommendations.
- Phase Three: Implement and supervise the implementation of the changes and improvements recommended in Phase Two. Report progress and final findings and recommendations to the Utah State Legislature.

IDRC's mission will be five-fold:

1. To study the current delivery of indigent defense services throughout the state.
2. To establish standards for provision of indigent defense services statewide.
3. To apply those standards effectively and pragmatically to each individual county.
4. To monitor compliance with recommended standards.
5. To report to the Legislature with findings and recommendations.

IDRC specifically should do the following:

1. Conduct more detailed research into the specific situations of individual counties regarding caseloads and office resources.
2. Conduct more detailed research into the relationship between socio-economic status and race upon treatment by the criminal and juvenile justice system.
3. Seriously consider the impact of public defender resources upon racial and ethnic minority populations, particularly when the percentage of the county's minority population exceeds that of the state as a whole.

10. A statewide Appellate Public Defender's Office should be created, consistent with the recommendations of the Task Force of Appellate Representation of Indigent Defendants (September 14, 1994).

11. The Statewide Association of Prosecutors (SWAP) and the Prosecution Council should sponsor a process that represents multiple perspectives to conduct research on whether racial or ethnic bias is reflected in prosecutorial decision making.

12. More research and information about effective ways to punish hate crimes are needed including "models of intervention" such as mediation, education and training, more intensive probationary provisions, and offender treatment programs.

### *Juries:*

13. The Judicial Council should determine methods for increasing the racial and ethnic representativeness of juries.

14. The Administrative Office of the Courts should sponsor significant research on the source lists for the jury master list, the jury qualification process, and the use of peremptory challenges for racial and ethnic bias. Research should also study whether and to what extent jurors feel they have been the object of racial or ethnic bias in their capacity as jurors.

15. The Administrative Office of the Courts should sponsor research to determine whether the absence of minorities on juries results in an inability to receive a fair trial. The study should compare conviction rates of minority defendants by all white juries versus conviction rates of minority defendants by juries with minority representation.

### *Sentencing*

16. The Utah Sentencing Commission should conduct an experiment involving the question of aggravating and mitigating circumstances both in the adult and juvenile justice systems. For example, conduct a "blind" review of recommendations where social information that would identify or suggest the client's ethnicity is deleted in a matched set of minority and non-minority clients. The research should also examine the extent to which chronicity scores contribute to minority overrepresentation. This study would provide an opportunity to see if and how subtle bias creeps into case processing, particularly in the areas of preparing sentencing and placement recommendations.

### **WHAT'S BEING DONE**

With the support and approval of the Judicial Council, Judge Lyle R. Anderson of the Seventh District Court has made recent efforts to create jury pools reflective of the minority population in San Juan County. For instance, both have advocated the use of member lists from the Navajo Nation as a source list for jury pools. Additionally, Judge Anderson noted that long traveling distances to courthouses may discourage some minority jurors from serving. Subsequently, the Judicial Council approved the reimbursement of motel accommodations for those traveling 100 miles or more.



### WHAT'S BEING DONE

A recent Utah Senate bill approved \$30,000 to begin evaluation into whether a cost-benefit analysis of Utah's juvenile crime prevention and intervention programs will promote more effective and cost efficient results. The "comparative costs and benefits" model to be investigated was first piloted by the Washington State Institute for Public Policy which has used this analytical framework to locate the programs which deliver maximum benefit in terms of crime prevention for every dollar spent. Thus far the Juvenile Courts and Division of Youth Corrections have met with a number of representatives of the Washington State Institute including a juvenile court administrator from Washington, as well as members of the software company that designed the risk assessment tool. They will report to the Senate early next year with their findings.

### *Juvenile*

17. The Juvenile Courts, the Department of Child and Family Services, and the Division of Youth Corrections should jointly examine the relationship between custody and socio-economic status. Specifically, the research should attempt to establish if a relationship exists between income level and custody decisions.

18. The Juvenile Courts and the Division of Youth Corrections should conduct qualitative reviews involving youth who successfully exit the system.

19. The Utah Sentencing Commission should evaluate the application of aggravating and mitigating factors in sentencing, as opposed to the use of "strength-based" and "risk-focused" models, to determine if racial and ethnic bias occurs in that application.

20. The Department of Human Services should conduct research in order to review child welfare practices to determine if child welfare practices increase the likelihood of the youth correctional system to gain eventual custody of youth of color.

### WHAT'S BEING DONE

The University of Utah's Social Research Institute (SRI), in conjunction with the Utah Sentencing Committee, has conducted a federally funded examination into the guidelines used for Juvenile Sentencing in order to determine whether new programming provided earlier in the youth's career can reduce delinquency. Thus far, their research has indicated wide-spread support for the current guidelines and has included recommendations for more consistent guidelines implementation. The study additionally recommends an evaluation into the applicability of a strengths based model to be used for sentencing.



## MEDIA

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While none of the research expressly requested information related to the impact of the media on racial and ethnic fairness in the criminal and juvenile justice system, two studies contained segments that mentioned the media specifically. In the Woolf report on the attorney and judges interviews, “[t]he most common explanation for the lack of will in eliminating racial unfairness was the effect of selective media coverage of crime.”<sup>150</sup> Specific comments mentioned judges’ lack of will to combat racially biased behavior, such as racially-motivated police stops, for fear of media coverage making them look ‘soft on crime;’ the general sensitivity of judges to selective media coverage; and the media’s disparate coverage of crimes with white victims versus minority victims. This “opportunistic media coverage of crime” was seen to have broad effects.<sup>151</sup> For example, one attorney stated,

And to that extent, who the victim is makes a huge difference. If it is a low-income minority from the west side, the media tends to pay very little attention. If it is the victim of a burglary who gets killed, who lives on the East Bench, then it’s going to get a great deal of publicity, and therefore, the judges respond, the prosecutors respond, because there are requests for interviews. I think it even drowns their charging decisions in many instances, the decision to charge the death penalty, the decision to charge some sort of an aggravated felony, which carries a five year mandatory sentence. I think all of those things are driven by who the victim is.<sup>152</sup>

In the SRI research report on the juvenile justice system by SRI, the focus groups of system professionals indicated that participants “felt that media create negative attitudes toward minority individuals because of the tendency to exaggerate the crimes committed by minorities.”

Indeed, as a study in the *National Institute of Justice Journal*, called “Race, Crime, and the Administration of Justice,” notes, “[m]ost people of all races and ethnic groups are never convicted of a crime, but stereotypes can work to brand all members of some groups with suspicion. These stereotypes may have their roots in past biases, but they also can be reinforced through broadcast news and newspaper reports.” The article cites research showing that racial groups are overidentified with crime and gang membership, despite their actual lower levels of involvement. It also cites a study that has found that African Americans and Hispanics are “overrepresented in TV news depictions of violent crime, while whites are overrepresented in stories involving nonviolent crime.”<sup>153</sup>

Task Force members have also discussed the impact of the media on its own work. Members expressed concern regarding the superficial coverage that tends to be given to issues of race and ethnic fairness versus the seriousness and complexity of the issues at hand. The tendency of this issue to yield tantalizing but unproductive sound bites renders sincere efforts vulnerable to misunderstanding. For these reasons and given these research results, the Task Force makes the following recommendation to the media.

*THEME: Media representatives should exercise care so that their reporting does not perpetuate divisions, increase tensions and create misunderstanding about issues related to race and ethnicity in the criminal and juvenile justice system.*



Artist: Jason Burr, Age 15, Brigham City

# Plan of Action

The members of the Task Force believe that while its work has been successful at raising the level of awareness in Utah about the importance of the issues under examination, the key to success is the implementation of its many recommendations. Crucial to that implementation is the creation and support of an implementation process that has the participation and support of the entire criminal and juvenile justice system in Utah and, equally important, support by Utah's ethnic communities. By unanimous vote, the Task Force has chosen to support the implementation proposal outlined below.

## Implementation Recommendation

The Task Force proposes the creation of a *Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System*. This body would no longer be solely commissioned by the Judicial Council but would be a collaborative partnership among criminal and juvenile justice system entities and community based organizations in Utah. The Commission would require funding from the Utah Legislature and would have the following elements:

- The Commission would be a stand-alone entity, sponsored by the Judicial Council for the purpose of administrative support by the Administrative Office of the Courts, but would report to the Council just as it would report to any of the other participating entities.
- Membership would include representatives from the entities responsible for implementation (i.e., criminal and juvenile justice system agencies, community based organizations).
- A resolution would be signed by all member agencies to ensure ongoing participation.
- The Commission would publish an annual report to update the public on its progress toward implementation of the Task Force's recommendations.
- Each member agency would be responsible for implementing its own recommendations from this Task Force report.
- Ethnic community organizations would elect members of their choice to represent them on the Commission.

- The Commission would have subcommittees to oversee implementation of system-wide efforts (i.e., cultural competency training, data coordination, public outreach).
- The Commission would conduct an annual evaluation of its efforts including ongoing modifications for improvement and the viability of community sponsorship in 3-5 years.

The funding of this implementation process is the next critical step toward ensuring equal justice in Utah for racial and ethnic minorities. To date, the Task Force has already begun work with the Judicial Council to request funds from the Utah Legislature during its 2001 General Session. A Legislative building block request will cover the costs associated with staffing this proposed group.

The above proposal has both participation from key participants in the system and representation from Utah's ethnic communities. Public accountability of the commission has been written into the proposal by the publication of an annual report that will enable Utahns to assess the level of energy put toward the system changes and provide a tool for continued advocacy by concerned citizens.

### *Concluding Remarks*

The Task Force recognizes the importance of continued commitment by all segments of society to ensure that these recommendations become institutionalized and equal justice is assured. In fact, the Task Force encourages and requests both its members and those who are watching its work and progress to continue the encouragement necessary to help ensure successful implementation. Systems of government can and should continue to improve, with issues of fairness being of paramount importance. Much of this report addresses the importance of government action and recommends specific action. Indeed, some of these issues are already in the process of positive change. However, the impetus for continued improvement is often generated by consistent public feedback. The voice of Utah's minority communities is essential in this ongoing dialogue. The Task Force hopes that the public, through a variety of means, including community based organizations, private individuals, community groups, churches, tribes, law firms and professional associations, continue to hold this effort toward racial and ethnic fairness in the public light where it belongs.

# *Appendices*

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Victims Research Summary  
Professors Paul G. Cassell and Linda F. Smith  
University of Utah College of Law  
2000

## EXECUTIVE SUMMARY

The crime victim research was designed by Professors Linda F. Smith and Paul G. Cassell for their Criminal Justice Clinical course for law students. The project aimed to provide law students with social science research in addition to exposure to criminal justice issues.

The study relied on data provided by the Salt Lake County District Attorney's Office. A sample of 400 crime victims (200 minority and 200 non-minority cases) was identified based on closed cases. Each individual in the sample was mailed an invitation to participate in the study and be interviewed. Due to confidentiality issues, the Salt Lake District Attorney's Office sent out the invitations directly from its office and neither the professors nor students had access to the list names and contact information.

A survey questionnaire for victims was developed, utilizing a past survey by Schulman, Ronca and Bucuvalas, Inc. for a National Institute of Justice national study as a model. It attempted to determine victim perspectives about their treatment by the police, prosecutors, victim support agencies and courts. Questions sought to understand whether the victims were accorded certain rights they may have by statute (e.g. to be consulted about plea bargains, to make a statement at sentencing) and to discover how victims felt about their treatment by the professionals in the legal system. Respondents were to be asked whether they believed race or ethnicity affected their treatment in any way. The questionnaire could be administered either in person or via a telephone interview. Students read the questions and completed the survey form based upon the subjects' responses.

Of the sample, the district attorney's office indicated that approximately half of the sample was returned in the mail as "undeliverable." Fewer than twenty, or 5 %, of the subjects returned the mailed post card indicating their interest in being interviewed. All of those who responded have been or are currently being interviewed. Results of the survey are not reliable due to the low number of respondents. All findings are tentative and should be used only for guidance in designing future research studies. For example, this study pointed to the fact that crime victims tend to be from low socioeconomic brackets, affecting the desired means of contacting future samples of crime victims for research purposes. No findings could be determined related to race and ethnicity.



Perceptions of Racial and Ethnic Fairness  
in the Criminal Justice System: Listening to Utahns.  
A Client Committee Report on the Public Hearings of the  
Utah Task Force on Racial and Ethnic Fairness in the Legal System.  
October 1999

## EXECUTIVE SUMMARY

The Client Committee of the Utah Task Force on Racial and Ethnic Fairness in the Legal System (Task Force) was created to examine the experiences and perceptions of offenders, victims, and their families regarding racial and ethnic fairness in the criminal justice system. The Committee was co-chaired by two Task Force members who selected and convened 13 additional members.

To fulfill its mandate, the Committee held 27 public hearings designed to give participants opportunities to provide information publicly or confidentially at the hearings, or through telephone and written reports. Hearings focused on groups by geographical location and ethnicity. Interpreters were provided as needed. The information provided by hearing participants varied in content and focus. Although staff made concerted efforts to solicit information about all segments of the criminal justice system, law enforcement was the focus of many remarks.

This report documents public hearing perceptions of the criminal justice system and the Committee's recommendations to address those perceptions. No systematic effort was made to verify information from the public hearings as the hearings represented only a portion of the Task Force's research. Actual documentation of racial and ethnic discrimination will be determined by research of other segments of the Task Force. Individual perceptions are presented from the perspective of the hearing participants and do not necessarily represent Committee member perspectives. Perceptions noted at multiple hearings and overall themes throughout the hearings are emphasized in this report.

### *Law Enforcement*

Law enforcement complaints dominated the public hearings. Many voiced the belief that the role of law enforcement in any community should be to protect society and make all residents feel safe. The overwhelming perception was that Utah's racial and ethnic minorities are subject to discrimination by law enforcement due to:

- targeted police action based on race or ethnicity. Racial profiling perceptions exist within and outside of minority communities.
- the abuse of legal authority by law enforcement. Participants alleged unnecessary verbal and physical abuse, the use of racial slurs, and harsher treatment of minorities.
- language barriers. Racial and ethnic minorities with limited English proficiency often felt defenseless when dealing with law enforcement, perceiving that needed assistance is unavailable, punishment is unfair, and clients are blamed for communication barriers.
- cultural barriers that inhibit appropriate interaction between law enforcement and minority clients. The perception that the system works against minorities leads to an avoidance of the system regardless of personal costs.

- ineffective and intimidating complaint processes. The lack of uniformity between law enforcement agencies in the process of filing complaints is a deterrent to filing complaints. The process is perceived to do nothing to solve problems of police abuse. Participants advocated hiring minority police officers to help diminish the problems associated with misunderstandings, language barriers, and harassment based on racial and ethnic stereotypes.

### *Legal Representation*

Many participants raised the question of adequate legal representation of racial and ethnic minority clients by both appointed and privately retained defense attorneys. These perceptions lead to distrust of the attorneys who are supposed to represent client interests. Perceptions included:

- a denial of access due to language barriers and the lack of cultural sensitivity among attorneys.
- a widespread lack of knowledge of the law within minority communities.
- a lack of adequate preparation for cases and failure to communicate with clients concerning the status of the cases by appointed attorneys.
- the existence of prejudice and lack of care for minority clients.

Complaints of discrimination extended to prosecutors. Participants believed prosecutors were unlikely to bring criminal charges against Whites where the interest of a White person seemed to take precedence over the minority person's interests. Participants stated that if the victim was minority, incidents were deemed accidents and dropped, or the minority person was charged and prosecuted. Prosecutors were thought more likely to prosecute or seek tougher penalties against minorities.

### *Courts*

Court-related comments echoed other legal system concerns. Some expressed difficulty in understanding the nature of legal proceedings in a culture different from their own. Stereotyping of minorities and racism were seen as bases for unfair trials, sentencing and disparate treatment. Additional perceptions included:

- a lack of cultural sensitivity among judges, court employees and court interpreters, as well as a lack of awareness of the impact of ethnic and racial cultures on individual behavior.
- disrespect for minorities in the courtroom.
- an inability of the courts to ensure equal justice.
- longer sentences given to minorities than to Whites for the same crimes, a perception reinforced by a courtroom filled entirely by White people.
- disparate treatment due to inadequately trained, uncertified interpreters in areas outside of Salt Lake and the use of returned L.D.S. missionaries instead of native language interpreters.

### *Post-Adjudication*

Public hearing comments on post-adjudication issues focused on three themes: the length of sentences served by minorities, their treatment in correctional facilities, and the fairness of actions by the Board of Pardons and Parole. Inmates related perceptions of unfair punishment especially of those with language barriers, and retaliation based on race by the Board of Pardons and Parole. American Indian inmates stated that their rights to religious ceremonies are not respected in prison.

### *Juvenile Justice*

Public hearing participants expressed a lack of knowledge and understanding of the juvenile justice system. Accounts of interaction with law enforcement revealed perceptions of targeting and profiling that left clients feeling singled out and presumed guilty at first contact. Participants relayed examples of youth who were presumed to be gang members due to their race or ethnicity. Parents commented on their difficulty negotiating the complexity of the court system, particularly when hampered by language barriers and cultural differences. They were frustrated of being left out of the judicial process when decisions concerning their children were made without their input. The power of court workers to make decisions that impact juvenile lives was another area of concern. Parents also expressed concern about custodial issues and not understanding the juvenile delinquency process with the Division of Youth Corrections.

### *Victims*

Minority crime victims spoke about their interactions with law enforcement, the medical system, social services and the media. They were concerned that they were not treated fairly by the system because they were not listened to, nor taken seriously. Worse, others expressed statements that imply being re-victimized during interactions with law enforcement and with “the system.” The treatment of those who are incarcerated was also reported as creating a group of victims due to race. Racial and ethnic women shared unique experiences as victims in the criminal justice system.

### *Conclusion and Recommendations*

The public hearing process was as much a learning experience as it was an effort to collect information from the public. The Committee strove to set up hearings in the least intimidating environments possible and continually refined the hearing process. Recognizing the potential suspicion with which hearings could be regarded, the Committee worked to establish the trust necessary to hold these hearings. However in some cases people still did not have sufficient trust to come forward publicly, establishing the need for alternative methods of collecting information.

Participant comments indicated a lack of knowledge about the judicial system and individual rights. Many minorities believed they are treated unfairly by the entire legal system. Predominant perceptions included: law enforcement abuse of power including profiling, harassment, verbal and physical abuse; lack of adequate representation; lack of cultural awareness and sensitivity; inadequate communication between the legal system and minority communities; and shortcomings in complaint/grievance processes. The legal system must also recognize that not all minority groups have the same issues. Specific attention is needed regarding intra-racial diversity and rural area issues.

The need to educate the public about the structure of governmental entities became apparent as many hearing comments did not relate specifically to the Task Force’s mandate. The Committee has made efforts to forward information to other appropriate public entities. Comments also point to the need for governmental

entities to work more closely with one another and with community groups to solve problems. The Committee believes that facilitating communication between ethnic communities and the criminal justice system can be effective in solving problems faced by racial and ethnic minorities in Utah's criminal justice system. Skepticism of the effectiveness of the Task Force's work was expressed at every public hearing with the question, "Now that you've heard our issues, how are you going to correct the problems?" Recommendations grouped into areas of focus are listed below. Actual implementation of the recommendations will be the ultimate test of the system's willingness to address racial and ethnic bias in a serious, committed manner.

<i>Administration:</i>	Commitment from criminal justice system administration is critical, including funding and support.
<i>Workforce Diversity &amp; Recruitment:</i>	All segments of the criminal justice system should reflect the populations served. Recruitment in minority communities is essential to ensure a diverse workforce.
<i>Training:</i>	The legal system at all levels must become more sensitive to the needs of the diverse population it serves. Training should focus on cultural awareness including specific issues such as American Indian religious rights and hate crimes as a significant part of every agency's basic training.
<i>Outreach:</i>	The criminal justice system should provide opportunities to educate minority communities about their rights and responsibilities in the legal system as well as mechanisms to encourage better communication with the public.
<i>Complaint &amp; Grievance Processes:</i>	The criminal justice system should have complaint/grievance procedures that are consistent and well-known to the public and that are free from intimidation and potential retaliation.
<i>Research &amp; Data Collection:</i>	On-going data collection and research efforts are critical to determine the actual existence of racial and ethnic bias in the criminal justice system.

Salt Lake County Jail Bookings Data Analysis  
John Collette, Ph.D. and Terry Allen, Ph.D.  
1999

## EXECUTIVE SUMMARY

### Methodology

This study was part of an effort to discover whether or not, and to what extent, disproportionality exists within the incarceration process of the justice system. The study compiled records from the Salt Lake County jail on the length of time spent in prison, specifically, the number of days served from intake to release. The data was additionally restricted to male Anglos and Hispanics due to the fact that information for other minority groups was far too limited. With regards to sample size, 3,055 Hispanics and 10,916 Anglo records were evaluated.

Upon initial evaluation, the data describe statistically significant results relating to the incarceration of Hispanics and Anglos. However, when evaluating this information, one must be aware of the many factors other than race and ethnicity that may be responsible for these results. Differences between the two groups such as age and criminal history considerably limited the data sample and the amount of direct comparison that could be done. For example, one trend discovered was that Hispanics were arrested at a slightly younger age than their Anglo counterparts. The mean age for Hispanics in this data pool was 31.76 years whereas the mean age for Anglos was 35.43. Additional differences include the fact that Hispanic arrestees also had slightly more previous bookings than their Anglo counterparts and a larger proportion of the Hispanic bookings were for felonies. In order to be able to draw inferences from the data that are not related to age or criminal history but rather to race, the sample would need to be limited to only those cases where the mean age or the criminal history between the two groups were the same. Examples such as this demonstrate that although these findings are statistically significant, analyses that require the review of multiple variables require a larger sample size in order to ensure the reliability of the results.

### Findings

- *Booking Percent by Race by Year:* Over the three years that this data was taken, the booking percent for Hispanics decreased while the rate for Anglos experienced a slight increase. During the transition from 1996 to 1997, the booking percent decreased from 24.8 percent to 19.6 percent. The trend continued in 1998 when it fell to 16.48 percent, falling a total of 12.32 percentage points. In contrast, the booking percent for Anglos began in 1996 at 66.56 and progressed in 1997 to 71.2 percent and in 1998 to 73 percent, rising a total of 6.44 percentage points.
- *Time from Booking to Disposition in Days:* Anglos tend to be held for shorter periods of time than Hispanics. A greater percentage of Anglos are held 0-1 days from booking to disposition than Hispanics. In contrast, a greater number of Hispanics are held for 6-10 days between booking to disposition, than Anglos. (A ratio of 35 percent Hispanic and 24 percent Anglo.)
- *Percent Felonies by Year:* While Hispanics accounted for more felonies per year than Anglos, the number of felonies committed decreased. Beginning in 1996, Hispanics accounted for 36 percent of felonies compared to Anglos who accounted for 24 percent. In 1998 however, Hispanic felonies decreased to approximately 28 percent while the felonies committed by Anglos leveled off at 21 percent, thus revealing a slight convergence between the two races during the course of those 3 years.

- *Age and Mean Days Held:* On average, Hispanics, both young and old, were held for longer days than their Anglo counterparts. The average younger Hispanic male was held for approximately 36 days while the younger Anglo was held for only 21 days. Older Hispanic males were held for 28 days while their Anglo counterparts were held for 17 days.
- *Mean Days Held for Felonies and Misdemeanors:* Regardless of felony or misdemeanor, Hispanics were held on average, for more days than their Anglo counterparts. Hispanics were held for approximately 42 days for committing a felony. Anglos were held for 26 days. With regards to misdemeanors, Hispanics are held 28 days while Anglos are held for about 17. This data demonstrates that Hispanics are held for about 2 days longer for the lesser charge of a misdemeanor than Anglos are held for higher charges of felonies.
- *Number of Times Booked:* Hispanics tended to be held for a longer period of time than their Anglo counterparts despite similar histories in bookings. Hispanics booked over five times were held for 27 days and Anglos booked the same number of times were held for 11 days.

Community Resources Committee Report to the  
Utah Judicial Council's Task Force on  
Racial and Ethnic Fairness in the Legal System  
December 6, 1999

## EXECUTIVE SUMMARY

The Community Resources Committee is one of eight committees established by the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System. The Committee was asked to examine the quality of community resources provided to people of color. Because the Task Force focused on the criminal justice system, the Committee similarly focused on resources available and provided to criminal defendants.

The Committee began its work by gaining an understanding of the scope of the issue. The Committee reviewed materials from other states' task forces and committees, and invited presenters to provide background on the Utah criminal justice system, as well as treatment, education and counseling centers. After obtaining a better understanding of the issues, the Committee developed a Theme Question to be answered by the Committee's research: **Do community services work as well for people of color as for the majority population in Utah?**

The Committee determined that the best means of obtaining information that could be used to answer the question was through surveys and focus groups. A survey instrument was prepared and sent to administrators of treatment facilities. The survey asked questions about the racial and ethnic makeup of the facilities' workforce and clients. The survey also asked questions to illicit information about cultural sensitivity training, interpreters, and observed instances of bias. Twenty-two out of 107 facilities returned the survey, a 20.56 percent response rate, providing enough information to make certain findings.

Focus groups were conducted with line staff and clients of treatment facilities. Discussions during the line staff focus groups involved topics such as cultural awareness training, barriers to effective treatment, special needs of and resources available to people of color, and observed instances of bias. The client focus group discussions involved topics such as line staff's respect and knowledge of cultural differences, barriers to treatment, and examples of discriminatory treatment.

After information from the research was compiled, the Committee made six major findings. Based on the study sample, the Committee found that:

1. Institutionalized racism, as defined by the Committee, affects community resource programs.<sup>1</sup>
2. Language barriers impede access to services.
3. Clients of the criminal justice system state that they feel hopeless about their future.
4. Offenders and the general public lack education about the criminal justice system.
5. Clients state that grievance processes are unresponsive.
6. Task Force efforts will be ineffective without broad-based efforts.

Based on these findings the Committee has concluded: **Community services do not work as well for people of color as for the majority population in Utah.** The Committee has made the following recommendations:

1. The Utah Judicial Council should establish a standing oversight committee on fairness, to receive and resolve complaints and otherwise address fairness issues.
2. The Utah Judicial Council should sponsor research into the long-range, causal factors of and the prevention of racism.
3. Other state agencies should create standing oversight boards or committees to receive and resolve complaints and address issues of fairness.
4. The state should establish an oversight entity to oversee other Fairness Committees.
5. All community resource entities should implement regular cultural awareness training for all employees; these entities should have a workforce representative of the clients they serve; and inpatient services should be provided in Spanish.
6. The criminal justice system should adopt a holistic approach to punishment and rehabilitation.
7. The State, through its judicial, legislative and executive branch agencies and leaders (e.g., school districts), must set the example in addressing and eliminating racism.



Courts Committee Report to the Utah Task Force on  
Racial and Ethnic Fairness in the Legal System  
October 18, 1999

## EXECUTIVE SUMMARY

The Utah Task Force on Racial and Ethnic Fairness in the Legal System gave the Courts Committee the mandate to examine the adjudication process of the criminal justice system. With assistance from the Task Force's Operations Committee, co-chairs Charlotte L. Miller and Judge Lynn W. Davis, identified individuals with diverse backgrounds for the Committee. The Committee's work included three phases: learning more about the criminal justice system, prioritizing issues for examination, and researching, information gathering and determining findings and recommendations. The findings and recommendations for each priority issue are summarized below. The complete list of findings is reserved for the full report.

*Priority #1 – Racial and Ethnic Impact on Sentencing  
and Analysis of Sentencing Recommendations*

The Committee supports the continued use and application of Utah's indeterminate sentencing model. The current tools are useful in the sentencing process, however without proper training, any tools used for sentencing could result in racial and ethnic disparity. The Committee reviewed studies about sentencing and sentencing guidelines and their impact on minorities. It also looked at the perceptions of those involved in the criminal justice system and the workforce involved in the sentencing process. As a result, the Committee recommends that all segments of that workforce be reflective of the racial and ethnic diversity of those who appear before the court, that training on the nature and impact of racial and ethnic bias be offered to that workforce, that racial and ethnic data be kept by all relevant agencies, and that the availability of incarceration-alternative programs be expanded for those with limited-English proficiency.

*Priority #2 – Racial and Ethnic Attitudes and Impact on Minority Defendants  
in the Courtroom*

The Committee examined the experiences of defendants in the courtroom. The Committee received reports of negative stereotypes and cultural barriers. The Committee found that bias, often unintentional, is communicated by court employees. The Committee recommends continued education on the effect of inappropriate racial remarks on the perception of fairness in the courtroom and education for judges and prosecutors on cultural aspects affecting minority defendants.

*Priority #3 – Jury Issues*

The Committee identified the following jury issues: the demographics of the databases from which jury pools are selected, the selection process of juries, and the experiences of jurors. However, the Committee's research efforts were severely hampered by the lack of racial data kept by the courts about potential and actual jurors. Findings address concerns that minority defendants express hesitation to counsel about participating in trials where

no minorities serve on the jury, as well as juror perceptions about the effect of race on the trial process. Committee recommendations address the voir dire process, methods for increasing minority participation on juries, judicial leadership in ascertaining the impact of race, ethnicity or primary language on the ability of jurors to be impartial, and the need for accurate data collection to enable future, ongoing research efforts.

#### *Priority #4 – Racial and Ethnic Impact on Pre-Sentence Investigations*

Committee members found the pre-sentence investigation process to be a critical part of the sentencing process. Few minorities are in the Adult Probation and Parole workforce, and pre-sentence investigators lack specific training regarding racial and ethnic bias. Recommendations to address these concerns include the deletion of any racial/ethnic information on accused and victims from consideration on pre-sentence reports, except when race is essential to the resolution process (e.g., hate crime cases). The Committee also recommends training for pre-sentence investigators on the nature and impact of racial and ethnic bias. The Department of Corrections should keep racial and ethnic statistics so that the impact of efforts toward increasing racial and ethnic fairness can be properly monitored. Finally, appropriate agencies within the state should increase the availability of therapeutic and other alternative supportive programs for limited-English speaking defendants which might affect Adult Probation and Parole recommendations and impact successful completion of probation.

#### *Priority #5 – Judicial Selection*

The Committee examined the judicial selection process for racial and ethnic diversity, including applicant pools, nominating commissions, and appointments since 1986. Members found it significant that Arizona's constitution requires the consideration of racial and ethnic diversity in Arizona's appointments. Committee recommendations to the Administrative Office of the Courts, the Utah Minority Bar Association, the Utah State Bar, the Utah Legislature and others include the need for statistics on the race/ethnicity of judicial applicants, the need for recruiting efforts to increase the number of minority applicants for judicial vacancies, and the need for more racially diverse judicial nominating commissions.

#### *Priority #6 – Court System Workforce Issues*

The court system workforce includes all those who participate in the court system, including court employees, administrators, bailiffs, judges, law clerks, and lawyers. The committee looked at training issues, workforce composition, complaint processes, performance evaluation processes, statistical databases, as well as hiring, recruiting, promotion, and termination issues relating to people of color in the court system. Recommendations are directed to the Administrative Office of the Courts, Judicial Conduct Commission, Judicial Performance Evaluation Committee, Utah Judicial Council and Utah Supreme Court, Utah State Bar, Utah Minority Bar, Mandatory Continuing Legal Education Board, and others. Recommendations include mandatory training on the nature and impact of racial and ethnic bias, the creation of a Diversity Advisory Group within the Utah State Courts, the inclusion of questions related to race/ethnic bias on the judicial performance evaluation form, and continuing legal education for lawyers on racial and ethnic bias as part of the mandatory ethics training requirement. Recommendations to the Utah State Bar address statistical information that should be tracked; outreach, communication, and inclusion efforts directed toward attorneys of color; needed training needs for lawyers; as well as a review of current practices to determine their effect on attorneys of color in Utah.

### *Priority #7 – Women of Color*

Committee members recognize and underscore that all of the topics addressed in this report and their accompanying recommendations are relevant to women of color. The Committee chose this issue as a separate priority area because of its importance to overall fairness in the legal system. Women of color told the Committee that they did not feel they were included in the Gender and Justice Task Force. Female attorneys of color in Utah also said that discussions about minority issues often focus only on men. Therefore, it was clear to Committee members that the Task Force's efforts should address women of color directly in its deliberations. The Committee found female attorneys of color to be significantly underrepresented in all areas of the legal profession. The women noted that race and gender stereotypes limit their work opportunities and affect the way they are treated in the courtroom. They stated that they do not have adequate mentors or network mechanisms. Recommendations address the Administrative Office of the Courts, Utah State Bar, Utah law schools, Utah Minority Bar Association, Young Lawyers Division, and Women Lawyers of Utah with ways to effect positive change in the experiences of female attorneys of color in Utah.

### *Priority #8 – Translation / Interpretation / Language Barriers*

The Administrative Office of the Courts has been very active in the court interpreter field in recent years. The Committee noted the positive progress on this issue as well as areas that still need attention. There are no Utah certification programs for spoken languages other than Spanish, and even Spanish-speaking defendants worry that they receive unfair treatment with the use of interpreters. There are not enough interpreters available for a sufficient number of languages, especially outside of the Salt Lake area. Recommendations address the Administrative Office of the Courts, Judicial Council and Utah State Bar. They include the expansion of certification programs for other languages, development of a confidential grievance procedure, inclusion of interpreters for languages other than Spanish on the Interpreter Advisory Committee, and development of materials to educate attorneys on issues related to representing non-English speaking clients.

### *Priority #9 – Racial and Ethnic Attitudes and Impact on Minority Victims in the Courtroom*

The Committee was interested in the experiences and perceptions of minority victims in Utah, however looking at this issue presented a variety of challenges. No formal database on the race and ethnicity of victims exists in the state of Utah. The victims' survey sponsored by the full Task Force is still pending. The Committee reserves its final recommendations on this issue until the results of that study is known. However, the Committee heard reports from many who work in the court system who perceive racial and ethnic bias exists in cases where the victim is a person of color and the defendant is Caucasian, and where the defendant is a person of color and the victim is Caucasian. In both instances, the judge and jury may treat one or the other party as more credible. Bias may also occur where non-English speaking minority victims are not offered adequate translation services or where victims' impact statements are not gained due to language barriers. Recommendations include the need to track race and ethnicity as well as the Committee's support for the recommendations set forth by the Client Committee.

### *Priority #10 – Tribal Jurisdictional Issues*

The Committee acknowledges the existence and progress of the Tribal/State/Federal Court Forum, chaired by Justice Michael D. Zimmerman. The Committee endorses the work of the Forum, acknowledges the many jurisdictional issues that affect American Indians and the legal system in Utah as areas of mutual concern for the Task Force and the Forum, and defers full consideration of these matters to the Forum.

### *Priority #11 – Immigration Status Issues*

Criminal defendants may not receive adequate information about the impact of their situation. For example, in early 1999, the Third Judicial District elected to delete from the plea agreement form information about the consequences of a guilty plea on a criminal defendant's immigration status. Also, the court and counsel do not uniformly advise criminal defendants who agree to deportation as a condition of the sentence that there are very harsh consequences under federal law for violating the condition of not returning to the United States without permission from the government. The Committee recommends that all judicial districts in Utah adopt a plea agreement form that fully and clearly discloses to all criminal defendants the consequences of a guilty plea on a criminal defendant's immigration status. The Committee also recommends that the Utah Association of Criminal Defense Lawyers educate criminal defense lawyers about these immigration issues.

### *Conclusion*

The Courts Committee acknowledges the racial division in the United States. That division is reflected in the legal system and adds to the lack of credibility of the legal system. Members of the public must have faith that the legal system is fair in order for the legal system to be effective. It is critical to recognize and overcome the racial division in the legal system and to provide fair and equal treatment for all. There are numerous recommendations in this report directed at various entities. The purpose of these recommendations is to increase faith and trust in the legal system.

The Perceptions and Experiences of Female Attorneys of Color  
in Utah's Judicial System  
Yvette Donosso Diaz  
April 1999

## EXECUTIVE SUMMARY

According to the 1990 United States Census, the number of female attorneys of color increased from 7,300 to 23,000 between 1980 and 1990.<sup>155</sup> Although these figures seem to imply a rapid influx of female attorneys of color into our judicial system, the fact is that female attorneys of color are not as visible and empowered as these figures suggest. In fact, on a national level, there is little if any data and information on the lives of female attorneys of color, especially in regards to Native Americans.<sup>156</sup> We do not know the specific breakdowns of their racial and ethnic backgrounds, the areas of law they practice, or their perspectives and experiences in the legal system.

Utah is no different than the rest of the nation in its lack of documentation of the status of female attorneys of color; it is therefore impossible to know how many female attorneys of color are licensed or practice in the state.<sup>157</sup> In fact, we know little about them: their age, area of practice, alma maters, networks, affiliations and experiences in the profession. Based on the mailing lists of the Utah Minority Bar Association and the Women Lawyer's Association, there are approximately 40 female attorneys of color in the state. These estimates are based on the women's last names, which are not always indicative of race and ethnicity, and on personal contacts. Also, there is the possibility that some women are not affiliated with these organizations or have recently moved in or out of the state.

Although, in general, data on female attorneys of color is scarce, there are some factors which indicate that their experience in law school and the legal profession is unique. A study by the American Bar Association found that the first year of law school destroys most students' self-esteem. The study found that white males regained their confidence by the second year of law school, and white females by the third year of law school, but the study was unable to determine if and when female minority students regained their confidence.<sup>158</sup> In fact, according to some studies, law school is not a hospitable place for women of color, "it is hostile, alienating and abusive."<sup>159</sup>

This situation is exacerbated by the scarcity of minority law professors and deans, who can serve as role models and mentors. Last December, Linda Mabry, one of five minority professors at Stanford Law School, resigned because she felt the law school was a "hostile environment for women and people of color."<sup>160</sup> Ms. Marbry is one of fifteen current and former faculty members from across the university who have filed a complaint with the U.S. Department of Labor, alleging Stanford's tenure and promotion practices are discriminatory.<sup>161</sup>

There are also female attorneys of color resigning from prestigious white-majority law firms. Maurita K. Cooley worked for a D.C. firm for ten years, making partner after four years as an associate, but left the firm to become the senior vice-president of Black Entertainment Television. According to a study by the American Bar Association, eighty five percent of minority women leave predominantly white firms before their seventh year of practice due to difficulties in generating business, lack of access to mentoring and feeling isolated.<sup>162</sup> This is an alarming statistic considering that minorities account for only 2.95 percent of partners nationwide, with women comprising only 14.2 percent of that number;<sup>163</sup> or, in other words, 0.4189 percent of partners nation wide.

These accounts of discrimination and sexism faced by women of color in the legal profession are painful and difficult to address. The Utah Task Force on Racial and Ethnic Fairness in the Legal System (herein Task Force) was established to research real and perceived racial and ethnic bias in the criminal justice system. Women

of color as a group were not specifically addressed in the research done by the Utah Task Force on Gender and Justice.<sup>164</sup> Therefore, the Task Force felt it was critical to dedicate a segment of its research plan to investigate how women of color, as victims, defendants, and attorneys, perceive the legal system.

This research project was specifically dedicated to documenting the views and experiences of female attorneys of color who practice in Utah. Section I, introduces the topic of female attorneys of color in Utah, explains the methodology of the research, discusses the major findings of *“The Burdens of Both, the Privileges of Neither”*— the guide and comparison point for this project — and provides a summary of both the findings of the research and the recommendations of the participants. Section II presents the major findings of the research through the voices of the women who participated. Their direct quotes were used not only to powerfully document their views and experiences, but also to incorporate the richness of their narratives into the text. This section is organized into five areas: the law school experience; the interviewing and hiring process; the work place; views on how women of color are treated by the justice system; and a discussion of the diverse views of the participants, in regards to the issue of race and gender, and the term “women of color.” Most importantly, this paper in Section III, presents the recommendations given by the participants on how to lessen the inequalities they face in the legal profession through cultural sensitivity training, mentoring, and networking. Section IV, the conclusion, synthesizes and analyzes the findings and recommendations of the research project.

## Methodology

### 1. Background

The American Bar Association approved two commissions to gather data specifically about female attorneys and attorneys of color: the Commission on Women in the Profession and the Commission on Opportunities for Minorities in the Legal Profession. In 1989, the two commissions approved the creation of the Minority Women Lawyer’s Subcommittee (since renamed the Multicultural Women Attorneys Network, herein referred to as “MWAN”).<sup>165</sup> In the early 1990’s MWAN conducted a series of informal round table discussions in six metropolitan cities to discuss the status of female attorneys of color in the profession.<sup>166</sup> Typically, about twelve to fifteen women attended each of the discussion groups and the composition was a ratio of 6:3:1 African-American women, Hispanic women and Asian-American women.<sup>167</sup> MWAN also held regional conferences in New York City and San Francisco, which drew a total of about 350 participants.<sup>168</sup>

From the information gathered from the round table discussion groups and the regional conferences, MWAN produced a report entitled, *The Burdens of Both, the Privileges of Neither*. This is the only publication which specifically addresses the perspectives and experiences of women of color in the legal system; therefore, it was instrumental in developing the issues covered during the focus groups conducted to gather data for this paper. The findings of the MWAN report are an important comparison point to our research project.

According to the findings of MWAN, female attorneys of color encounter persistent and unique barriers in the legal profession:

- The combination of being an attorney of color and a woman is a double-negative in the legal market, regardless of type of practice or geographic region.
- Female attorneys of color perceive they are “ghettoized” into certain areas of the law.
- Female attorneys of color must repeatedly establish their competence to professors, peers, and judges.
- Due to negative attitudes and stereotypes, female attorneys of color are not visible in the profession and have more difficulty achieving prominence and rewards in the legal field.
- To succeed, female attorneys of color must choose between race and gender.

- Female attorneys of color face barriers of gender discrimination in minority bar and majority bar associations.<sup>169</sup>

The report was a hopeful beginning in addressing the needs and issues faced by women of color in the legal profession nation-wide. It included insightful recommendations and implementation strategies for the American Bar Association and the Commission of Women in the Profession. Unfortunately, MWAN is no longer active or functioning in any capacity; and it is uncertain if and when it will be reinstated.<sup>170</sup> Without a commission dedicated to addressing and advocating the needs and views of female attorneys of color, it is up to each state bar to take the appropriate measures to keep their female attorneys of color from falling through the cracks.

To gather data for the research of this paper, the Task Force sponsored two focus groups in Salt Lake City. The participants were consulted on the convenient times, locations, and dates. Approximately forty female attorneys of color and all the female minority law students at J. Reuben Clark Law School and the University of Utah College of Law were invited to attend and participate in the focus groups. (See Appendix I: sample of invitation letter). The National Judicial Education Program and the American Bar Association Commission of Women in the Profession were contacted for existing data and literature; as well as for suggestions on how to structure the focus groups.

The focus groups lasted approximately two hours each and were tape recorded. Before the start of the focus groups, the participants were asked to fill out a survey requesting demographic information. (See Appendix 2). The format of the focus groups was informal and flexible to allow the participants to direct the discussion of issues critical to them. However, four topics were suggested as important themes of discussion at the beginning of each session:

1. Do participants perceive they are being treated differently by the justice system? If so, how?
2. Are they expected to behave differently in their interactions with individuals? If so, how?
3. How do they perceive women of color, victims and defendants, are being treated in the justice system?
4. What are their insights on whether the system can be changed and how?

Questions under each topic were used as prompts during the focus group discussions (See Appendix 3). Also, telephone interviews were conducted with women who were unable to attend the focus groups but were willing to participate in the study. The same survey and questions that were used in the focus groups were used during the telephone interviews.

## *2. Demographic Data of Focus Group Participants*

A total of ten women participated in the project: nine attended the focus groups and one woman was interviewed over the telephone. The following is a summary of the demographic data gathered from the survey. It should be noted that all of the participants attended law schools in Utah.

### **Age:**

- Four of the participants are between the ages of 26 to 35;
- Five are between the ages of 36 to 45; and
- One is over the age of 46.

It is difficult to assess if these women's ages are representative of all female attorneys of color in Utah; however it is fair to say that the focus groups had a good mix of age groups.



**Ethnic/racial background:**

- Six of the participants were Hispanic: three were Mexican-American and the others were of Latin-American descent.
- Three of the participants were Asian-American: two were of Japanese descent and one was born in the Philippines.
- One of the participants was African-American.

No African-American or Native-American attorneys attended the focus groups. The follow up interviews were meant to get perspectives of Africa-American and Native American female attorneys. Of the ten participants, seven speak English as their native language. Also, five of the participants were born and raised in Utah.

**Education and career:**

Seven of the nine participants are the first in their immediate families to obtain a law or postgraduate degree. Four of the women specifically indicated that they pursued a law degree because they wanted to have a greater impact in the community, by promoting justice and equality in the legal profession and in public policy. Of the ten participants, four work in non-legal fields.

**Findings**

There is a denial by the legal profession that inequalities exist. Overall, the participants perceive, that in some way or another, they have been or are being treated differently than white male and female attorneys, by various components of the justice system. Some of the women believe the particular disparate treatment and unique experiences they face is based on gender bias; while other women felt it was based on both gender and racial bias. In fact, the latter women felt it was impossible to separate gender bias from racial bias in their life experiences.

Despite diverse opinions and experiences, the following seven themes were strongly repeated during both of the focus groups.

- I. Female attorneys of color in Utah are significantly under-represented in all areas of the legal profession.
  - A. When asked if female attorneys of color were visible in Utah, the response was almost unanimously, "There are hardly any."
  - B. Some of the women felt like outsiders in the legal profession, "...they are shocked when they see us."
2. Law school does not foster a positive and supportive environment for women of color, promoting instead stereotypes of tokenism and incompetence about women of color, which after graduation from law school, are carried into the legal field.
  - A. Some of the women felt the worst racial bias they have experienced occurred in law school.
  - B. Most of the women felt they were branded as "affirmative action babies; " therefore, they were not regarded as competent by their peers.
  - C. Some also felt there was little, if any, support for minority students during law school.
3. Race and or gender stereotypes sometimes limit the work opportunities for female attorneys of color.
  - A. Some of the participants felt race has never been an issue in their careers, while most felt they have had to "fight" for their current jobs.



- B. There was the concern that some of the participants have a difficult time finding out about jobs, getting interviews, and making the right connections.
4. Female attorneys of color perceive that peers and judges question their status and competence as attorneys; also they are expected to be “better” and to represent the views of their respective racial and ethnic communities.
- A. Some of the participants felt that judges have offered them help in a condescending matter or reprimanded them needlessly during court appearances.
  - B. Some of the women have been confused with other ethnic attorneys or completely ignored by judges.
  - C. Some of the participants have felt pressure to be “better” because they are expected to represent their entire race.
  - D. Most of the participants agreed that they cannot adequately represent the views of all members of their ethnic community.
5. Female attorneys of color perceive that minorities are not being treated fairly or respectfully by the legal system.
- A. All the participants unanimously agreed that being a person of color is a definite negative disadvantage in the legal system.
  - B. Language barriers was a big concern for the participants. The participants felt that judges “shut down” and are disrespectful to people who are obviously of different ethnic or racial background, especially when there is a language barrier.
6. Female attorneys of color have dealt differently with the bias and inequalities they experience. Some choose to assimilate, while others prefer to assert their ethnic identity more strongly.
- A. Some of the women are uncomfortable with the term “women of color.”
  - B. Other women, mostly Asian-American and African-American, felt that it was impossible for them to blend in due to their ethnic appearance.
7. Female attorneys of color do not have adequate mentors, role models, or network mechanisms.
- A. All the women felt there are not enough mentors for female law students and attorneys of color.
  - B. They also agreed that due to the small number of minority professors and students, there are hardly any role models for female attorneys of color.
  - C. Some of the women would like to interact with other female attorneys of color to share experiences, exchange opinions and support one another, but feel that due to the small number of female attorneys of color and the lack of adequate network mechanisms, it is difficult to interact and make connections.

Some of our findings are very similar to the findings of the MWAN report. For example, our participants also felt that female attorneys of color are not visible in the profession and have more difficulty achieving prominence and rewards in the legal field. They strongly perceived that women of color must repeatedly establish their competence to professors, peers, and judges. Some of the women in our focus groups did not feel as welcomed by the majority bar as by the minority bar. For example, they claimed that some of Utah State Bar functions, such as the annual meetings in San Diego, are not worth the expense for young attorneys of color.

There were some differences of opinion as well. Some women said they purposefully did not belong to the Utah Minority Bar Association because they did not want to be labeled as minorities or they did not feel they

would be accepted by the group. Also, not all the participants of the Utah focus groups felt being a woman of color was a double-negative in the legal profession. Some felt they had never been discriminated against due to race, but instead felt gender was the discriminatory factor. These women felt that as long as an applicant is qualified for a position, race bias would not be a factor in the hiring process. On the other hand, some women strongly felt it was impossible to separate gender bias from racial bias. It is important to note that at some point in their careers all the women who participated have wondered if they were hired because they would fill two quotas.

As opposed to the MWAN findings, none of the women felt they were limited or “ghettoized” to certain practice areas. Interestingly, the women who most strongly asserted their ethnic roots, seemed to have experienced more hardships in job placement, were the most intimidated by private practice, and were skeptical about advancement opportunities.

### **Recommendations**

The participants strongly felt that in order to change the legal system, individuals need to be changed first; even if that means changing the system one person at a time. They felt there needs to be acknowledgment of the inequalities and different experiences they face; honest exposure and awareness to the issues of race and gender in the legal system; and a commitment of the will and resources necessary to achieve full and equal representation and participation by women of color in the legal profession. Their recommendations are as follows:

1. Require diversity/cultural sensitivity training for judges, as well as court personnel, firms, and state government agencies.
2. Create discussion groups where minority attorneys can engage in positive and honest dialogue with participants of the legal profession, such as judges, other attorneys and court administrators. This format would allow more experienced attorneys to share the factors or rules that helped them become successful.
3. Establish strong mentoring programs for minority law students by members of the legal profession, even prior to law school if possible.
4. Improve and expand the network mechanisms used by minority attorneys and not limit these efforts to the Utah Minority Bar Association.

Disproportionate Minority Confinement Committee Report on the  
Juvenile Justice System to the Utah Task Force on  
Racial and Ethnic Fairness in the Legal System.  
November 30, 1999

## EXECUTIVE SUMMARY

In 1992, amendments to the Juvenile Justice and Delinquency Prevention Act required that states address disproportionate minority confinement (DMC) by examining the extent of the problem and developing a plan to reduce disproportionality if such a problem existed. As a result, the Utah Board of Juvenile Justice formed the Disproportionate Minority Confinement Committee (Committee) in 1994 and commissioned a research study. The report, *Racial Disproportionality in the Utah Juvenile Justice System*, was presented to the Committee in 1995. The Committee published a follow-up report recommending research and systemic changes to address the documented overrepresentation. For a number of reasons, the Committee's report was not accepted and no recommendations were implemented. The Committee then disassembled.

In 1997, the Committee was reconvened by the Utah Board of Juvenile Justice to follow-up on the Committee's recommendations. A summary of the progress on implementation is attached in Appendix E. When the Utah Task Force on Racial and Ethnic Fairness in the Legal System was created, the Committee was asked to participate as the committee on juvenile issues. The Committee is co-chaired by Leticia Medina, Director of the State Office of Hispanic Affairs, Lieutenant Mark Nosack of Sandy City Police Department, and Dan Maldonado, Assistant Director of the Division of Youth Corrections. Membership includes many of those that served on the 1994 group, as well as new members who also have expertise in the juvenile justice system.

The Committee gathered information using several strategies. First, Committee members attended many of the Task Force's public hearings to learn about perceptions of the juvenile justice system. Second, the Committee conducted its own meetings with an educational focus, gathering information on numerous issues. Finally, there was an exhaustive research project conducted at the behest of the Committee through the University of Utah's Social Research Institute. The research was funded by the Commission on Criminal and Juvenile Justice (CCJJ) and contained significant quantitative and qualitative components designed to provide a longitudinal comparison to the earlier research study. In October 1999, principal investigator, Russell K. Van Vleet submitted the research results to the Committee in a draft report titled, *Minority Overrepresentation in the Utah Juvenile Justice System*.

CCJJ has provided additional funding to examine the practice of stacking charges against an individual youth charged in a particular incident and how it may affect the number of minority youth that are processed through the juvenile justice system. This study is currently underway and results are forthcoming. The Committee will then provide an addendum to this report.

The Committee created three subcommittees that addressed each of its priority areas. A brief overview of each priority area is offered below, while a complete list of findings and recommendations are contained in the body of the report.

### **PRE-ADJUDICATION AND CLIENT ISSUES**

The Committee began with the conclusion that law enforcement has a significant impact on the introduction of all clients into the juvenile justice system. It concludes that a lack of racial and ethnic diversity in law enforcement agencies can amplify disparate treatment by race/ethnicity. Public hearings conducted by the

Task Force over the past year provided testimony indicating incidents of potential law enforcement harassment, abuse, discrimination, and communication breakdown. Certainly the perception of mistreatment by officers demands attention. The hearings confirmed there is a definite need for improved law enforcement training in cultural awareness and cultural competency. Recommendations also address the need for consistent data between and among law enforcement agencies throughout the state, the establishment of a network of interpreters to address language barriers in law enforcement encounters, and outreach efforts to minority communities by law enforcement. The Committee acknowledges that to be successful, changes in training must be sanctioned and supported by the chief law enforcement executives in the state, and the desired results from the training must be enforced by management within all agencies.

### ***REPRESENTATION AND COURTS ISSUES***

The Representation and Juvenile Courts Subcommittee addressed issues of legal representation as well as the adjudication process. The use of interpreters to overcome language barriers was a major topic of discussion as well as the cultural competency of attorneys, judges and court employees. The need for racial and ethnic data and the process for tracking this data in electronic databases is addressed. Recommendations include modifications to the Juvenile Information System, enhancements to the court interpreter program, cultural competency efforts among attorneys and Juvenile Court personnel, and multi-lingual outreach with court process information to ethnic communities.

### ***POST-ADJUDICATION AND COMMUNITY RESOURCES ISSUES***

The Post-Adjudication and Community Resources Subcommittee focused on what occurs after a youth is adjudicated. The group also examined community resources to determine their availability and applicability to minority youth needs.

The Van Vleet research conducted for the Committee documents the risk factors present in ethnic populations, including analysis of factors related to youth, families, and communities. The researchers reviewed the existing situation using models that measure risk based on different theoretical frameworks. Committee members believe that this segment of the research is perhaps the single most important finding in the Van Vleet study and that it demands serious attention.

Recommendations in this section suggest a number of future research and pilot projects, many of which address an assessment of a risk-focused sentencing model. Other recommendations address data collection in the Division of Youth Corrections, ensuring cultural competency and multi-lingual ability of post-adjudicatory programs.

### ***FINAL REMARKS***

When the Disproportionate Minority Confinement Committee published its original report in 1995, the recommendations in the report were not implemented. All of the recommendations in this report have been formulated in response to the substantial research that has been conducted on the issue of minority overrepresentation in the juvenile justice system. In the end, this report contains a challenging agenda for the juvenile justice system to begin a comprehensive approach to understanding and addressing racial and ethnic justice in the juvenile system.

However, the DMC issue merits more than study. The Committee advocates strongly for the immediate and cooperative implementation of these recommendations. Concerted, systemic efforts will help to address not only racial and ethnic bias but also public perception and credibility of the juvenile justice system. The Committee remains hopeful that this report marks the beginning of a serious and effective implementation process.

Post-Adjudication Committee Report to the  
Utah Judicial Council's Task Force on  
Racial and Ethnic Fairness in the Legal System  
December 8, 1999

## EXECUTIVE SUMMARY

The Post-Adjudication Committee was assigned the task of examining the criminal justice system after sentencing, with a primary focus on probation, parole, and incarceration. The Committee was co-chaired by the Reverend France A. Davis of the Calvary Baptist Church and H.L. "Pete" Haun, the Director of the State of Utah, Utah Department of Corrections. With the assistance of the Operations Committee, the co-chairs selected members who had knowledge and interest in post-adjudication issues. The entire Committee membership is listed in the beginning of this report.

The Committee began its work in March 1998. The first activities consisted of creating a list of priority topics to be studied. The Committee's work consisted primarily of commissioning researchers to gather statistics about minority involvement in probation, incarceration and parole, as compared to non-minority involvement in the same areas. Task Force staff and researchers also gathered information on workforce diversity by contacting the Utah Department of Corrections as well as all county sheriffs offices in the state for jail information.

The Committee was not able to gather the information necessary to answer all of its priority topics. However, the data that was gathered provides significant comparisons between minority and non-minority interactions with the post-adjudication criminal justice system. Among the Committee's significant findings are the following:

1. Minorities make up a disproportionate percentage of the post-adjudication system population.
2. Minorities are charged with probation violations, parole violations and prison disciplinaries at greater rates than non-minorities.
3. Minorities serve slightly longer prison terms as compared to non-minorities.
4. The workforce compositions of Corrections and many jails varies in their representativeness of the populations served and the qualified labor force.

Based on the findings, the Committee has made several recommendations. The recommendations are as follows:

1. Employees of post-adjudication entities should receive cultural awareness training when hired and on an annual basis.
2. All entities should make a "good faith effort" to have a workforce that includes minorities within their job groups based on requisite skills and assure non discrimination in all conditions of their employment practices.
3. All entities should create and maintain a reporting and monitoring system to assure minorities have the opportunity to participate in all of their programs and activities in compliance with Title VI of the civil Rights Act of 1964.
4. The Task Force should determine the reasons for disproportionality in the entire criminal justice system.
5. The Commission on Criminal and Juvenile Justice should be responsible for assuring that all criminal justice entities maintain a reporting system that assures non discrimination in employment and programs and activities as required under Title VI and V II of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1960.

Pre-Adjudication Committee Report to the  
Utah Task Force on Racial and Ethnic Fairness in the Legal System  
October 25, 1999

## EXECUTIVE SUMMARY

The Pre-Adjudication Committee of the Utah Task Force on Racial and Ethnic Fairness in the Legal System was created to examine those segments of the criminal justice system that occur prior to any appearance in court, with a primary focus on law enforcement. Committee co-chairs, Honorable Glenn K. Iwasaki, Third District Court, and Jeanetta Williams, Salt Lake Branch NAACP, selected a diverse group of thirteen additional committee members with knowledge and interest in pre-adjudication issues.

The Committee's work included learning about pre-adjudication issues, developing priority issues, dividing into work groups, conducting research and information gathering, and developing appropriate recommendations. The Committee learned of existing programs that work to improve the quality of fairness received by racial and ethnic minorities and thus deserve mention. Members expressed the importance of a balanced report that sought system improvement while acknowledging positive efforts. Some of the Committee's priority issues await results from the Task Force's research consultant. The Committee reserves the right to comment on the results of that research and present additional recommendations upon completion of that research.

Following is a brief summary of each priority issue examined by the Committee. A full list of findings and recommendations for each topic can be found in the main report.

### *Law Enforcement Profiling*

The Committee began with the belief that to all people, regardless of race, their perception is their reality. The public hearings suggest that many Utahns perceive that law enforcement engages in racial profiling. Members concluded that there are some law enforcement officers who allow their personal bias and feelings to affect their decisions. Some Committee members also believe that there have been minorities who were stopped or arrested by officers with a bias against them based on race or ethnicity. On the other hand, the Committee reviewed cases where law enforcement officers were accused of racist behavior when their actions were based on observation of illegal conduct. While the data reviewed by the Committee does not point definitively to the existence of law enforcement profiling in Utah, the issue remains of great concern to the Committee. The Committee's recommendations include: state legislation to track issues related to officer stops by race and ethnicity, screening of prospective officer candidates for racial or ethnic bias and prejudice, recruiting and hiring a diverse workforce, and diversity training for officers.

### *Provision of Competent Interpreters in Law Enforcement*

Committee members believe that concern is warranted as to how non-English speaking people can receive equal protection under the law if a language barrier exists. The Committee found that language barriers prevent officers from learning the true nature of events they investigate, and interpreter services are not often utilized. Law enforcement agencies are not prepared for or capable of taking care of non-English speaking citizens adequately. The Committee's recommendations include pay incentives for those officers who can speak a needed second language and the establishment of standards for certification of second language skills among officers.

### *Law Enforcement Workforce Diversity Training*

The Committee believes that it is imperative that law enforcement personnel have diversity training. Law enforcement can not afford to be unaware of the issues facing the communities it serves. In addition, law enforcement personnel are also individuals who can not help but be influenced by their own past training, socialization, and cultural ways of knowing. Ignoring cultural difference and the biases it may generate can have serious consequences. The Committee found that P.O.S.T. (Peace Officers Standards and Training) offers an initial diversity training in its basic training. While the training is of high quality, the time allotted is insufficient. Very few agencies surveyed had offered any type of diversity training for continuing education purposes. The Committee recommends yearly, consistent diversity training for officers and administrators. Training topics are suggested as well as the establishment of a statewide clearinghouse for diversity training materials for use by all law enforcement agencies in the state.

### *Law Enforcement Workforce Diversity and Recruitment Efforts*

The Committee started with an assumption that it is desirable for law enforcement to reflect the racial composition of the community that it serves. A number of sources attest to the positive value of diversity in the workforce. The Committee found that law enforcement entities in the state vary in their minority representativeness of the communities they serve. Also, most agencies do not conduct special outreach efforts to increase the ethnic diversity of their workforce. The Committee noted that P.O.S.T. and New Horizons, a local television program, sponsor annual scholarships for minority students to enter P.O.S.T. training. The Committee recommends that law enforcement make efforts to have a workforce that is reflective of the population it serves, that recruitment of minority populations focus on schools and ethnic community organizations, and that more private organizations fund minority scholarships to support the goal of a diverse law enforcement workforce.

### *Law Enforcement Complaint Process*

The Committee examined law enforcement's citizen complaint processes. It found that agencies have a variety of different processes, with widely varying policies and procedures. This situation is supported by perceptions raised in the public hearings of a lack of understanding and clarity about citizen complaint processes. Ninety-five percent of the law enforcement agencies stated there is a complaint process in place. Only nine percent indicated that a record is kept of complainant's ethnicity. Sixty percent of the agencies indicated they did not have a review board. The Committee had lengthy discussions on the ability of review boards to enforce their decisions. While the Committee did not reach consensus on a specific recommendation on this matter, all agreed that this issue was of great significance to their overall discussion of complaint processes. Committee recommendations address complaint process procedures, data collection and tracking, and complaint process outreach efforts to minority communities.

### *Public Defender Contract Award Process*

Some counties in rural Utah have relatively large concentrations of minority groups. These minority individuals often are indigent, requiring court-appointed counsel. The negotiation process for public defender contracts is important because it affects the quality of legal representation. It is important to ensure a fair contract-negotiation process, especially since attorneys in rural counties may be subject to pressure from the community and elected officials to a greater extent than may occur in urban areas. The Committee found the appearance of a conflict of interest in the selection process concerning, especially where prosecutors are involved in reviewing and negotiating public defender contracts, or where county attorneys and other county entities, such



as law enforcement, compete with public defenders for public funds. The Committee recommends funding public defender costs through the Utah Legislature, standardizing selection criteria and contract review processes, and prohibiting the involvement of law enforcement, prosecutors and judges in the contract award process. The Committee also believes that diversity training for public defenders is an important component of quality representation. The Committee forwarded this issue to the Representation Committee for further examination and comment.

#### *Pre-trial Non-Bail Release Decisions*

The Committee examined the three pre-trial release systems that do not require the posting of a bail bond for racial and ethnic bias: supervised pre-trial release (PTS); court ordered own-recognizance release (OR) and releases entered pursuant to federal court ordered consent decrees (CDR). The Committee found that the PTS and CDR programs are generally based on racial and ethnic neutral criteria. However, the PTS recommendation is subject to judicial approval. There are no statistics available to indicate any bias or prejudice on the part of judges who reject those recommendations. Likewise, the OR release system is governed solely by judicial discretion. The factors that are considered important vary from district to district and even from judge to judge within a district. There are no statistics available to demonstrate the existence or lack of any racial or ethnic bias in those releases. The Committee recommends that racial/ethnic data on pre-trial release decisions be tracked, that all those involved in pre-trial release decisions receive training on how racial and ethnic bias can impact decision making, and that Utah's criminal justice system should adopt race-neutral release policies.

#### *Bail and Charging Decisions*

There are no data at this time to determine whether there is bias in the setting of bail or in charging decisions. However, the Committee notes that both decision points are vulnerable to abuse. There is no mechanism in place to prevent outright, purposeful discrimination. To address these concerns, the Committee recommends the establishment of a more structured system for the setting of bail, training for judges and prosecutors on the dangers presented by racial and ethnic bias, and the tracking of data to determine whether race and ethnicity have an effect on the types of charges filed.

#### *Hate Crimes*

The Task Force was a major sponsor of a recent symposium on hate crimes, called "The Changing Face of Hate in Utah." The Committee discussed the outcomes of the symposium and the overall importance of addressing hate crimes as part of the Task Force's work. The Committee chose to endorse the ten recommendations formulated most often by the symposium working groups. These recommendations include training for law enforcement and for the public on recognizing, reporting, investigating, prosecuting and punishing hate crimes, the need for effective state legislation to address hate crimes, and the need for Utah leaders to recognize and acknowledge the existence of discrimination, hate and hate motivated violence in this state.

#### *Noteworthy Programs in Utah*

While the Committee's purpose is to determine whether racial and ethnic bias occurs in the pre-adjudication phase of the system, positive efforts to lessen disparate impact and improve communication between law enforcement and communities of color also deserve attention and acknowledgment. The Committee attempts to provide information about four programs that it found noteworthy. This is not an exhaustive listing. Indeed, members hope that there are many more positive examples of bridge building between ethnic communities and



Utah law enforcement. This section highlights minority student scholarships provided annually by New Horizons; civilian academies by the St. George Police Department, diversity training efforts by the Salt Lake City Police Department, and the citizens' review board of the West Valley City Police Department.

### *Conclusion*

Law enforcement is the entry point to the criminal justice system. The Committee has attempted to understand where individual perception of bias and real experiences of bias converge on issues related to profiling, hate crimes, complaint processes, bail and other issues. A system-wide lack of data created difficulties in completing the work. However, members were able to assess several important pre-adjudication issues. The recommendations contained in this report are ambitious and, if implemented, are designed to express a clear aspiration of law enforcement to ensure public safety without creating a disparate negative impact on racial and ethnic communities. The Committee believes that collaborative work on racial and ethnic issues among law enforcement entities and between law enforcement and the rest of the criminal justice system is critical to both successfully addressing issues of racial and ethnic bias and instilling public trust and confidence in our criminal justice system.

Representation Committee Report to the  
Utah Task Force on Racial and Ethnic Fairness in the Legal System  
November 17, 1999

## EXECUTIVE SUMMARY

The Representation Committee of the Utah Task Force on Racial and Ethnic Fairness in the Legal System was created in order to examine the criminal justice system after arrest, from charging through disposition, with a primary focus on prosecution and defense. The Committee was co-chaired by three Task Force members: F. John Hill, Executive Director, Salt Lake Legal Defenders Association, Judge G.A. Petry, Uintah County Justice Court, and Jerry G. Campbell, Chief Deputy District Attorney, Salt Lake District Attorney's Office. The Committee is composed of individuals from diverse backgrounds having experience with representation issues in the criminal justice system.

The Committee created a prioritized list of topics for investigation, forwarding some issues to the Task Force's research consultant and examining others utilizing its own resources. The Committee itself conducted two surveys. The first survey examined the workforce composition of prosecution and legal defense offices throughout Utah. The second survey asked a sample of Utah attorneys questions regarding the representation of racial and ethnic minorities in Utah. The Committee awaits the results of the research consultant's research and reserves the right to add and modify any recommendations contained herein after review of those results.

This summary outlines the issues addressed by the Committee and provides a broad overview of the findings and recommendations on each topic. The full report contains a complete list.

### *The Indigent Minority Population*

The Committee began with the question of whether the indigent population was reflective of Utah's general population by race and ethnicity. Committee member experience indicated that there was a higher percentage of minorities in the indigent population than in the overall population. The Utah Code Ann. §77-32-202(3) indicates that "indigency" means that a person "has an income level at or below 150% of the United States poverty level." The Committee looked to U.S. Census data for poverty levels by race and ethnicity and found minorities significantly over-represented in the indigent population in Utah. Recommendations by the Committee include paying specific attention to the implications of this over-representation in policy changes and final Task Force recommendations.

### *Workforce Composition*

The Committee evaluated the level of racial and ethnic diversity in workforce compositions of county prosecutors' offices and legal defenders' offices in Utah. The Committee found that racial and ethnic minorities are under-represented in the offices of county prosecutors throughout Utah as compared to overall levels of diversity in the overall state population. The representation of minorities in Utah legal defense offices varies considerably by county. In terms of both prosecution and defense offices, the Committee discussed the rather large discrepancies of the high minority population in some rural counties like San Juan and Tooele with the extremely low minority workforce representation in those counties. The Committee recommends recruitment efforts to assist in raising the level of workforce diversity to reflect that of the community served. The Committee also notes that minorities are generally under-represented in the legal community as a whole and recommends efforts to increase the numbers of attorneys of color practicing in Utah.

### *Case Load and Office Resources*

The Committee evaluated issues relating to the available staff, caseloads and resources in city and county prosecution offices, as well as those available to legal defense offices. The primary focus centered around both the general availability/shortage of these resources and the impact (if any) the shortages had on minority and indigent minority defendants. The majority of prosecutors and defense attorneys said they believed that indigent minorities are not disparately affected by attorney caseloads. However, a significantly higher number of both prosecutors and defense attorneys stated that they believed the size of their caseloads adversely impacted all defendants, regardless of ethnicity and indigence. Rural public defenders were likely to believe that they did not have access to adequate resources. The impact of a lack of resources on rural public defenders points to a disparate impact upon the adequate representation of racial and ethnic minorities because the percentage of minorities in several rural counties is higher than that of the state as a whole.

Despite the disparity of resources throughout the state, the majority of attorneys indicated that their offices had adequate resources to competently represent or defend indigent minority defendants. Of those defense attorneys whose practices were not entirely devoted to criminal defense, the majority claimed this factor had no impact on their representation of minority clients. Defense attorneys who said they believed a diversified practice was likely to negatively impact their minority clients were primarily practicing in urban areas along the Wasatch Front.

Committee members worked toward recommendations that could help bring a uniformity to legal representation issues in a way that would minimize disparate negative impact on minorities and still allow for differences in individual county needs. Committee members favor the legislative establishment of a statewide Indigent Defense Review Committee with a mission to study current delivery systems, establish standards, report compliance on a county by county basis, and to report to the Legislature with their findings and recommendations at the end of a three-year period.

### *Public Hearing Perceptions*

The Task Force public hearings raised several perceptions regarding issues related to legal defense and prosecution of minority clients. Committee members attended some of the public hearings and received all of the public hearing summaries from the Client Committee of the Task Force. It should be noted that Committee members deemed many of the perceptions applicable in a broad sense to all public defenders and others in the criminal justice system and not only those whose clients are people of color. The Committee discussed each perception and whether members agreed that the perceptions were a reality in Utah courtrooms. Members formulated recommendations that they believe will help to address the perceptions. Recommendations include cultural diversity training for prosecution and defense attorneys, education for the public about the adjudication process, and education of all major players in the adjudication process about the effective use of court interpreters.

### *Attorney Perceptions*

The Committee focused on whether minority/non-minority public defenders, prosecutors and privately-retained defense attorneys view racial and ethnic fairness in the criminal justice system differently; whether the race or ethnicity of a defendant plays a role in charges filed, pleas offered or case dispositions; and whether private counsel is reluctant to represent minority defendants. These inquiries were relayed to the Task Force's research consultant. Research methods included focus groups of attorneys. Over 100 criminal law attorneys from throughout Utah were invited to participate in focus groups to discuss their perceptions of racial and ethnic

fairness in the criminal justice system. While the results have not yet been reported to the Committee, the members see this portion of its analysis as significant and hope to amend their report to include findings and recommendations in this area as soon as data become available.

#### *Search and Seizure Issues*

Finally, the Committee asked if fourth amendment rights of minority defendants charged with drug offenses are violated more often than others who are arrested for the same violation. The Committee forwarded this research question to the Task Force's research consultant and has not yet received data on this matter. Committee members hope to address this issue in its report amendment.

#### *Concluding Remarks*

The Representation Committee's work represents its best effort to examine issues related to criminal defense and prosecution issues and their impact on racial and ethnic minorities in Utah. The Committee discussed issues related to minorities and indigent defense, the experiences of attorneys of color, and minority victim experiences. The impact of heavy caseloads and the differences involved in resources available to different offices throughout the state were also addressed for their impact on racial and ethnic minorities. Finally the Committee acknowledges that the perceptions of clients and attorneys about the impact of race and ethnicity on representation issues are a significant component of what must be addressed by the Task Force. Negative perceptions about fairness has an impact on the credibility of the legal system and must be actively addressed. The Committee makes recommendations to attempt to improve both perceived and actual fairness to minorities in the criminal justice system.

Law Enforcement Data Collection Proposals  
Social Research Institute  
June 2000

### Local Law Enforcement Agencies:

#### Data Needed to Examine Whether Racial Profiling Occurs

Anecdotal evidence suggests that some local law enforcement officers in Utah are engaging in racial profiling. Due to this anecdotal evidence, we recommend that two steps be taken.

First, we recommend that local law enforcement agencies require their officers to participate in training about ways in which racial, ethnic, social class, and gender bias may effect their enforcement of the laws.

Second, we recommend that all jurisdictions collect data that will enable future research into whether or not racial profiling is practiced. The following fields are recommended; the question(s) that each field would help to answer are included.

- *Date of birth of suspect.* Are certain age residents apprehended more than others?
- *Sex of suspect.* Are males apprehended more than females?
- *Race and ethnicity<sup>171</sup> of suspect.* Are certain races and ethnicities apprehended more than others?
- *Nationality.* What is the effect of U.S. citizenship or status as a legal immigrant on treatment of suspects/individuals?
- *Skin/complexion.* What is the effect of skin color on treatment of suspects/individuals?
- *Attire.* What is the effect of suspects'/individuals' dress on their treatment?
- *Hair color.* What is the effect of suspects'/individuals' non-natural hair color (e.g., blue) on their treatment?
- *Driving vs. pedestrian.* Was suspect a pedestrian or was s/he driving a vehicle?

If in a vehicle:

- *Vehicle make, model, year, and state.* If suspect was in a vehicle: Do drivers of certain makes, models, years, and states get stopped more than do others? This field may allow examination of (1) income/social class groups, since the vehicles' makes, models, and years may serve as one indication of social class, and (2) whether those of color who drive expensive late-model vehicles are more likely to be stopped than are whites who drive such vehicles.
- *Passenger information.* Race, ethnicity, DOB, and gender of passengers.
- *Reason for stop/apprehension.* Was stop/questioning due to citizen complaint or was it officer initiated?
  - *If citizen complaint:* What was the nature of the complaint? Did citizen include racial or ethnic information in complaint? Was sole reason for complaint that a person perceived to be of a certain race or ethnicity did not "belong" in that location?
  - *If officer initiated:* What led officer to stop/question this individual?
- *Was individual cited?* This data would allow examination of whether (1) people of color are more often stopped or questioned when no citable offense has been committed, and (2) people of color are more often cited for certain offenses than are whites who commit the same offense.
- *Was individual arrested?* Same questions as previous field.
- *Was a search requested?* This field would allow examination of whether officers are more likely to request searches of persons of color.

- *Did officer have a warrant to search?*
- *Did a search take place?* Are certain groups more likely to allow officers to conduct a search without a warrant?
- *Results of search.* Of those vehicles and persons searched, are certain groups more likely to possess contraband?
- *Vehicle impounded?* Do officers apply their ability to impound offenders' vehicles equally across races and ethnicities?
- *Officer name.* If racial profiling occurs, is it practiced by multiple officers or by only a few?
- *Location (and direction, if driving).* If racial profiling occurs, is it practiced statewide, or only in certain locations?
- *Date, day, and time.* If racial profiling occurs, are there certain times of day or days of the week when it is more likely practiced?

Much of this information already is available from some jurisdictions. It is unclear, however, whether the data is collected and recorded in a manner that allows for the question of racial profiling to be examined. That is, when we requested data, we were provided with only aggregate data, making it impossible to examine the necessary questions.

Data about vehicle passengers is not currently collected. Further discussion with officers, Utah residents, and task force members is required to determine the necessity and feasibility of collecting data in this area.

#### **Utah Highway Patrol: Data Needed to Examine Whether Racial Profiling Occurs**

Anecdotal evidence suggests that some officers of the Utah Highway Patrol may be engaging in racial profiling. Unfortunately, existing data do not allow for the examination of this issue. This paper therefore offers recommendations for data fields that are needed to examine whether racial profiling is being practiced by members of the Utah Highway Patrol.

The following fields are recommended. The question(s) that each field would help to answer are included.

- *Date of birth of driver and passengers.* Do certain age drivers get stopped more than do others?
- *Sex of driver and passengers.* Do males get stopped more than females?
- *Race and ethnicity<sup>172</sup> of driver and passengers.* Do certain races and ethnicities get stopped more than do others?
- *Vehicle make, model, year, and state.* Do drivers of certain makes, models, years, and states get stopped more than do others? This field may allow examination of (1) income/social class groups, since the vehicles' makes, models, and years may serve as one indication of social class, and (2) whether those of color who drive expensive late-model vehicles are more likely to be stopped than are whites who drive such vehicles.
- *Reason for stop (including whether roadblock or other stop).* Do certain "intersections" of races, ages, and sexes (e.g., young men of color) get stopped for certain reasons (e.g., swerving) that are alleged to be racially motivated?
- *Citation issued.* Was a citation issued? This data would allow examination of whether (1) people of color are stopped when no citable offense has been committed, and (2) people of color are more often cited for certain offenses than are whites who commit the same offense.
- *Was a search requested?* This field would allow examination of whether officers are more likely to request searches of vehicles driven by or occupied by people of color.
- *Did a search take place?* Are certain groups more likely to allow officers to conduct a search without a warrant?
- *Results of search.* Of those vehicles and persons searched, are certain groups more likely to possess contraband?

- *Vehicle impounded?* Do officers apply their ability to impound offenders' vehicles equally across races and ethnicities?
- *Trooper name.* If racial profiling occurs, is it practiced by multiple officers or by only a few?
- *Location and direction.* If racial profiling occurs, is it practiced statewide, or only in certain locations?
- *Date, day, and time.* If racial profiling occurs, are there certain times of day or days of the week when it is more likely practiced?

According to the Utah Highway Patrol, some of the above recommended data currently are collected, though sometimes in only certain cases. Other data fields are not being collected. The following tables provides information regarding the status of these data fields.

Data Field	Available in State's Computer Database?	Available in Davis, Salt Lake City, and Weber Database? <sup>173</sup>	Available on Paper Citations? <sup>174</sup>
Date of birth of driver	Only for drug interdictions	Only when citation is issued (vs. for all stops)	Only when citation is issued (vs. for all stops)
Date of birth of passengers	Only for drug interdictions (up to 2 passengers, plus total number in vehicle)	No	No
Sex of driver	No	Unknown	Unknown
Sex of passengers	Only for drug interdictions (up to 2 passengers, plus total number in vehicle)	Unknown	Unknown
Race and ethnicity <sup>175</sup> of driver	Only for drug interdictions	Only when citation is issued; have plans to add this field on warnings	Requested for citations, but not always filled in; not on warnings
Race and ethnicity <sup>176</sup> of passengers	Only for drug interdictions (up to 2 passengers, plus total number in vehicle)	No	No
Vehicle make, model, year, and state	Only for drug interdictions (vs. for all stops)	Only when citation or warning is issued (vs. for all stops)	Only when citation or warning is issued (vs. for all stops)
Reason for stop (including whether roadblock or other stop)	Only for drug interdictions	No; only if arrest takes place	No; only if arrest takes place then included on incident report. (Exception is DUI, when reason is included)

Was a citation issued?	Only for drug interdictions	Yes	Yes
Was a search requested? <sup>17</sup>	No; only know when a search has taken place.	No	No
Did a search take place? <sup>178</sup>	Only for drug interdictions	Unknown	Unknown
Results of search	Only for drug interdictions	Yes	No; this information is completed on another form
Vehicle impounded?	Only for drug interdictions	Unknown; this field will soon be included, if it is not yet.	No; this information is completed on another form
Trooper name	Only for drug interdictions	Only when citation or warning is issued (vs. for all stops)	Only when citation or warning is issued (vs. for all stops)
Location and direction	Only for drug interdictions	Only when citation or warning is issued (vs. for all stops)	Only when citation is issued (vs. for all stops)
Date, day, and time	Only for drug interdictions	Only when citation or warning is issued (vs. for all stops)	Only when citation is issued (vs. for all stops)



Further Study Recommendations  
 Social Research Institute  
 June 2000

### Prosecutorial Discretion

*Question:*

Are decisions/outcome regarding prosecution, pleas bargaining, and negotiating different for whites and people of color?

*Design:*

Identify specific misdemeanor and felony offenses (e.g., theft, assault, DWI, marijuana possession)

Random sample of those arrested in \_\_\_\_\_jurisdictions, stratified by:

White vs. African American vs. Latino vs. Native American vs. Asian vs. Pacific Islander.

Large enough n to look at gender, social class, and religion?

*Data gathering:*

Within specific offense, track each alleged offender from arrest through disposition, examining:

Changes in charges—what factors appear to have been considered?

Plea bargaining—what factors appear to have been considered?

*Analysis:*

Quantitative or qualitative? Sample size, can data be quantified?

Whichever used, examine whether decisions differ by race, previous arrests, previous convictions, and private vs. public attorney. If qualitative, also look at gender, age, social class.

*Resources:*

Access to files at all stages in process.

Decision-maker from each stage as consultants.

Interviews with decision-makers for subsample of sample.

### Public vs. Private Legal Representation

*Questions:*

1. Are people of color more likely to be represented by public attorneys?
2. Do those who are represented by public attorneys receive harsher dispositions than do those with private attorneys?

*Design:*

Identify specific misdemeanor and felony offenses (e.g., theft, assault, DWI, marijuana possession)

Random sample of those arrested in \_\_\_\_\_jurisdictions, stratified by:

White vs. African American vs. Latino vs. Native American vs. Asian/P.I.

Large enough n to look at gender?

**Data:**

“Rate” offender history—how to do this?

Within specific offense, track each alleged offender from arrest through disposition, examining:

Changes in charges—what attempts did attorney make to reduce charges? Were these attempts successful?

Plea bargaining—what attempts did attorney make to reduce charges? Were these attempts successful?

Was the final charge and outcome less than, equal to, or greater than original charge and recommended sentence?

How many times did the attorney meet with the client? OR How many hours were billed? If large differences in anticipated direction, then would suggest need for additional money for public attorneys, rather than implying that public attorneys are less competent.

Do those with public attorneys wait longer from incarceration to appointment with an attorney to date of hearing?

**Analysis:**

Quantitative or *qualitative*? Sample size, can data be quantified?

Whichever used, examine whether decisions differ by race, previous arrests, previous convictions, and private vs. public attorney. If qualitative, also look at gender, age.

**Resources:**

Access to files at all stages in process.

Private and public attorney as consultants.

Interviews with attorneys and clients.

## Pre-Sentence Investigation Reports

**Questions:**

Overall: Do Pre-sentence Investigation Reports (PSIs) lead to racial or social class bias in sentencing?

Specific:

1. Are reports consistent across race in reporting previous arrests and dispositions?
2. Are reports consistent across race in including demographic information (e.g., race, [gender, religion,] social class indicators)?
3. Do reports include language or make recommendations indicative of race, income, education, employment, family status, or religious bias?

**Sampling Method:**

Identify specific misdemeanor and felony offenses (e.g., theft, assault, DWI, marijuana possession)

Obtain list of all PSIs created between [July 1998-June 1999 OR January 1999 - December 1999]

Select random sample of 200 cases of those arrested in \_\_\_\_\_jurisdiction, stratified as follows:

Race	Felony 1	Felony 2	Misdemeanor 1	Misdemeanor 2
White	n = 10	n = 10	n = 10	n = 10
African American	n = 10	n = 10	n = 10	n = 10
Latino	n = 10	n = 10	n = 10	n = 10
Native American	n = 10	n = 10	n = 10	n = 10
Asian	n = 10	n = 10	n = 10	n = 10
Pacific Islander	n = 10	n = 10	n = 10	n = 10

### Qualitative Design:

Enter PSIs into Atlas-ti, and code for indicators of race, income, education, employment, family status, and religion, noting whether directly stated or implied.

Determine whether recommendations are consistent with sentencing guidelines. (This part may be quantitative?) If different, are there differences by race/ethnicity?

Identify themes and patterns.

Compare and contrast themes and patterns of people of different races/ethnicities to discover relationships, if any, between race and PSI content.

### Time line:

Weeks	Tasks	Hours Needed
Week 1	Access to PSIs and arrest/outcome data. What form are they in? Where are they?	Principal Investigator—I0 Research Lead—I0
Weeks 2 & 3	Create random sample and hire 4 RAs	Principal Investigator—I0 Research Lead—20 Data entry person—20
Week 4	Gather arrest data for subsample of sample	Principal Investigator—I0 Research Lead—I0 4 RAs—?
Week 5	Literature review	RA—20 hours
Week 6 [3 weeks if not available as ASCII files]	PSIs into Atlas-ti	Research Lead—I0 Data entry person—I0 [Transcriptionist?]
Week 7	Atlas-ti training	3 days for Research Lead and 4 RAs [and Principal Investigator]
Weeks 8-18	Atlas-ti coding	240 PSIs X 1 hour (to code each PSI) X 2 (persons to code each file) = 480 hours Research Lead—200 hours RAs—280 hours

Weeks 19-21	Identification of themes and relationships	Principal Investigator—20 hours Research Lead—20 hours RAs—10 hours X 4 people = 40 hours
Week 22	Literature review	RAs—20 hours
Weeks 23-24	Prepare report	Principal Investigator—20 hours Research Lead—40 hours RAs—10 hours X 4 people = 40 hours

**Additional Costs:**

Consultants:

[Purchasing Atlas-ti for all stations]

Atlas-ti trainer

Project Consultants: Task Force staff, community experts, Atlas-ti trainer  
follow-up, Contract Investigator?

### Analysis of Juries: Representation by Race/Ethnicity

**Questions:**

1. Is the proportion of people of color on juries consistent with their representation in the general population?
2. Is there a difference in the race and ethnicity of juries if the attorneys are of color vs. white?

**Method**

1. Select jurisdictions with at least X% racial or ethnic minority population.
2. Obtain a list of all juries convened in those jurisdictions from January through December 1999.  
(What is the N for juries?)
3. For each jury, prepare a list of
  - a. those called for jury duty,
  - b. those called but excused (at the request of the potential juror) from jury duty,
  - c. those excluded for duty by either the prosecution or the defense, and
  - d. those who served on juries.
4. For lists generated by steps a and b (see step 3, above)
  - a. review names for evidence that surnames are likely to be non-Anglo names, and
  - b. select a random sample of those in each list (Anglo and non-Anglo names) to contact personally in order to evaluate likely error rate or making decisions by reviewing surnames.
5. For lists generated by steps c and d (see step 3, above), meet with defense and prosecution attorneys to determine
  - a. the perceived race and/or ethnicity of those who were included and excluded from jury duty
  - b. learn attorneys' views regarding why certain individuals were excluded from jury duty, and
  - c. meet with a random sample of whites and of people of color who were excluded in order to learn their perspective regarding why they were excluded from jury duty.

## Analysis

### Quantitative:

1. Chi square to compare expected frequencies by race/ethnicity based on proportion in populations vs. those called for duty.
2. Chi square to compare expected frequencies by race/ethnicity based on those called vs. those served.

### Qualitative:

1. Analysis of reasons for excused, by race/ethnicity.
2. Analysis of reasons for being excluded, by race/ethnicity.
3. Compare and contrast the reasons for exclusion provided by attorneys to perceptions given by those who are excluded.

## Post-Adjudication Study

### Question:

Is there a difference between white inmates and inmates of color in receiving credit for time served while awaiting sentencing?

### Method:

1. Request that Corrections prepare a list of all inmates (by number) who came up for review between January and December 1999.
2. Separate inmates based on offense.
3. If a large number of inmates is in each category, select a random sample. Otherwise, include all inmates.
4. Review selected files, gathering the following data for each inmate: Offense, race, ethnicity, gender, [education, employment, income, private vs. public attorney,] days incarcerated while awaiting sentencing, credit for time served, date of commitment to prison, adjusted date (that takes into account the credit given), and the actual numbers of credit days.

### Quantitative Analyses

1. Create field that calculates whether full credit was received.
2. Chi square race X full credit for time served.
3. Chi square race X full credit for time served for each offense category.
4. Chi square attorney type X full credit for time served.
5. Chi square income X full credit for time served.

Summary of the Adult System Research  
 Conducted by the Social Research Institute  
 For the Utah Task Force on Racial and Ethnic Fairness  
 In the Legal System  
 December 1999

Faculty members at the Social Research Institute, University of Utah were asked to investigate whether or not racial bias is an issue in the Utah Criminal Justice System. Information collected by the Utah Department of Corrections, the Salt Lake County Jail, and Census Bureau were used in the analysis. In addition, focus groups and individual interviews were conducted to explain criminal justice processes and make recommendations for future research to the Task Force.

The investigation began with a comparison between the percentage of minorities in the general population and the percentage of minorities in the Department of Corrections population to determine whether or not minorities were over-represented in the criminal justice system (CJS). An analysis of the population data showed that minorities were indeed over-represented in the CJS. Further analyses were conducted to try to determine the cause of the over-representation. This is a summary of the findings of those analyses.

### **The Ethnic Population in Utah**

In order to determine whether or not minorities are over-represented in the criminal justice system, a review of the ethnic composition of Utah was conducted. The census of Utah for the past nine years shows that the minority population has steadily increased from 8.8% in 1990 to 11.1% in 1998. In 1998, the largest ethnic group was Hispanic with 6.3% of the population followed by Asian/Pacific Islanders at 2.5%, American Indian at 1.4% and African Americans at .9%. Thus, for the years 1990 through 1998, minorities comprised approximately 10% and Whites 90% of the population in Utah.

### **Utah Corrections Population**

The minority population supervised by the Utah Department of Corrections has also increased over the past nine years with 22.0% of the corrections population being minority in 1990 and 24.3% being minority in 1998. This is the same 2.3% increase that occurred in the general population. Thus, the percentage of minorities in the corrections system has remained fairly constant over the eight years from 1990 to 1998 at approximately 24%. The largest ethnic group in the corrections system was Hispanic at 14.2%, next was Asian/Pacific Islanders at 2.0%, then American Indians at 2.9%, and African Americans at 5.1%.

The ethnic composition of the corrections population is quite different when compared to the general population. *For the corrections population, the percentage of minorities in 1998 was 24% which is 13% higher than expected if all ethnic groups were represented according to their general population base.* This is similar to the difference between the general population and corrections population nation wide where in 1996 minorities accounted for 40% of those under correctional supervision compared to 27% of the general population, a difference of 13%.

Another way of expressing how over or under represented the various ethnic groups are in the criminal justice system is to calculate the number of individuals currently supervised by the Department of Corrections per 1,000 residents in the general population. In 1998, African Americans had the highest rate of involvement with the Department of Corrections at 49 per 1,000 residents, while Asian/Pacific Islanders had the lowest rate at 5.2 per

1,000. Hispanics had a rate of 19.2, American Indians had a rate of 17.7, all minorities combined had a rate of 18.5 and Whites had a rate of 7.2 per 1,000 residents. *Thus, it is clear that with the exception of Asian/Pacific Islanders, minorities are over-represented in the Utah Criminal Justice System when compared with their representation in the general population.* The next section will compare the characteristics of White and minority individuals in the criminal justice system.

### **Characteristics of White and Minority Populations in the Criminal Justice System**

There are several types of offenses for which there is a difference in the percentage of minority and White individuals. Examining the percentage of individuals incarcerated over the past nine years, Whites have a higher rate of sex crimes, while minorities have a higher rate of crimes against persons and drug crimes. The percentage of incarcerated Whites is approximately twice the percentage of minorities for sex crimes (25.5% vs 14.3%), while the percentage of incarcerated minorities is approximately one and one-half times that of incarcerated Whites for drug crimes (16.1% vs 10.9%) and crimes against persons (33.2% vs 22.5%).

The Department of Corrections reports minority information for three groups of individuals: probationers, parolees, and inmates. There is a considerable difference among the ethnic groups in the percentage on probation, on parole, and in prison (inmate) with Hispanics and African Americans having a greater proportion of their populations in more restrictive settings. An examination of how the individuals in each ethnic group were divided into the three correction options shows that for 1998, Whites, Asian/Pacific Islanders, and American Indians had over one-half on probation and one-quarter in prison while Hispanics and African Americans had approximately one-third on probation and over one-third in prison.

One explanation for these findings is that the minority population in the Criminal Justice System is comprised of individuals with more serious crimes and more severe criminal histories and therefore need more restrictive confinement. This hypothesis was tested by a review of 1,155 individuals sentenced during 1999. There was considerable information available for these individuals: 1) their offense, 2) the degree of the offense, 3) the criminal history, 4) pre-sentence investigation recommendations, 5) the sentencing guideline recommendations, 6) actual sentence, 7) race/ethnicity, and 8) judicial district. An analysis of the database revealed that minorities have more serious criminal histories with the percentage of minorities in categories 4 and 5 (criminal history is rated from 1 least severe to 5 most severe) twice that of Whites (23% of minorities versus 12% of Whites). Further analysis shows that minorities committed more serious offenses (offenses are rated from 1st most serious to 3rd least serious) with first degree offenses over twice that of Whites (6.6% of minorities versus 2.7% of Whites).

**In summary, a comparison of ethnic groups in the Criminal Justice System shows minorities are over-represented in the system, are more likely than Whites to be in prison or on parole rather than on probation, are more likely to be convicted of drug crimes or crimes against persons, are convicted of more serious crimes, and have more severe criminal histories.**

Because minorities are arrested on more severe crimes and have more serious criminal histories, it would be expected that as a group they would be more likely to be placed in prison than on probation. In order to determine whether there is ethnic fairness in the CJS, it is necessary to compare Whites and minorities with similar criminal backgrounds and similar offenses. Then it will be possible to determine if minorities are treated more harshly by the criminal justice system.

### Disciplinary Actions and Length of Stay in Prison

Minority inmates have a higher rate of disciplinary actions than Whites with 266 disciplinary actions per 100 inmates for minorities and 216 disciplinary actions per 100 inmates for Whites. Also, the percent of inmates with no disciplinary record show a higher percentage of Whites (38.4%) than minorities (28.0%). However, the higher rate of disciplinary actions received by minorities does not appear to increase their length of stay in prison over Whites.

Even though nine years of data were available for analysis, there were several offense categories that had too few cases to analyze. For any offense type with less than 50 cases the data are not consistent enough to draw conclusions about minority and White differences. However, for the offenses with a large enough number of cases for analysis, there does not appear to be significant differences between minorities and whites on length of stay in prison.

### Adherence to Sentencing Guidelines

One way to review the effect of sentencing guidelines is to determine the percentage of individuals who receive sentences that follow the guidelines and those that do not. Two scenarios were reviewed. In the first case the guidelines recommend prison and the person goes to prison, jail, or is placed on probation, while in the second case the guidelines recommend probation and the person goes to prison, jail or is placed on probation. A review of the percentages for the White and minority groups reveal that when prison is recommended by the guidelines, 67.5% of the Whites and 70.2% of the minorities go to prison. However, when probation is recommended by the guidelines, almost twice as many minorities go to prison as Whites (22.7% vs 12.0%).

### Agreement Between Presentence Investigations, Sentencing Guidelines, and Actual Sentences for Whites and minorities

The analysis presented above was for nine years of data. However, that database did not contain the results of the presentence investigation (PSI) recommendations. The database with the 1,155 individuals contained all three data sources. The problem in com

paring Whites and minorities on pre-sentence investigation recommendations, sentencing guidelines, and actual sentences is that there are too few cases in most of the crime categories. For example, when property crimes are selected, there are 427 cases (81 minorities and 346 Whites). However, there are not enough cases in most of the five categories of criminal history, three offense degrees, and two ethnic categories to determine whether or not there is bias. One area where there were enough cases to analyze was for the least severe criminal history and the least serious crime category. A review of three different crimes (property, drug, and sex) showed that for the least severe criminal history and least serious crime category there was very little difference between the PSI recommendations and the actual sentences with almost all of the minorities and Whites receiving probation.

A review of the overall sentencing guidelines, actual sentence, and presentence investigation reports shows that for all three there is a greater percentage of the minority population being incarcerated. However, since minorities have more severe criminal histories and are convicted of more serious crimes they would be expected to have a higher incarceration percentage. **The only way to determine if there is ethnic fairness is to compare Whites and minorities with similar offences and similar criminal histories. At this time the number of cases in the database do not allow that analysis to be conducted.**

Another way of comparing the PSI with actual sentences and sentencing guidelines is to review the cases for



agreement and disagreement between the PSI recommendation, the sentencing guidelines, and actual sentences. After careful analysis, there appears to be a high level of agreement between the PSI recommendations and the actual sentence for both minorities and Whites (89.2% and 93.0%).

A comparison of the PSI recommendations for minorities and Whites with the sentencing guidelines was also completed. While there is not as much agreement between the PSI and the guidelines as there was between the PSI and the actual sentence, the agreement is still fairly high for both minorities and Whites (79.8% and 87.5%). However, It is clear from the comparisons that the PSI is more accurate for Whites than minorities. The cases where the guidelines recommended probation and the PSI recommended prison appeared to be biased against minorities. For minorities, the PSI recommended prison for 17.8% of those who the guidelines recommended probation, while for Whites, the PSI recommended prison for 9.8% who the guidelines recommended probation.

When the differences between minorities and Whites on the PSI recommendations, sentencing guidelines, and actual sentence were reviewed, the closest agreement was between the PSI recommendation and the actual sentence for minorities and Whites. The guidelines do not agree as well with either the actual sentence or the PSI. Other reports prepared for this project found that all of the 18 pre-sentence investigators at Salt Lake County AP&P were White. This lack of ethnic representation may be one reason that there is more disagreement between the PSI recommendations, sentencing guidelines, and the actual sentence for minorities than Whites.

#### **Salt Lake County Jail Bookings Compared to Corrections Population**

In order to gain more information about where in the corrections system the over-representation of minorities occurs, Jail bookings were investigated. It is assumed that the individuals who enter the criminal justice system start with being arrested and booked into jail. Two groups of jail bookings at the Salt Lake County Jail were reviewed. The first was for the three years 1996, through 1998 and the second was a sample of bookings during February, July, and October of 1998. The first study examined the bookings by four ethnic groups for misdemeanors, felonies, and total bookings. The second study reviewed bookings for an additional group, Asian/Pacific Islander, and reviewed days in jail by ethnic group. The results of the bookings were then compared to the population in the corrections system from the Third Judicial District.

Because the Department of Corrections is currently receiving fewer individuals that have misdemeanor convictions, the felony bookings are probably the best indicator of the individuals who will be convicted and enter the Department of Corrections' system. A review of the percentage of bookings for felonies shows that the percentages of minorities who are booked in jail on felony charges is higher than the percentage of individuals who are convicted and become involved with corrections (34.5% for bookings versus 28.1% for corrections). Thus it appears that minorities who are arrested have a 6.4% lower rate of being convicted of a crime and continuing on to supervision by Correction than Whites.

A review of the bookings by ethnicity shows that there is decreased representation for Hispanics where they accounted for approximately 26% of the bookings and 16% of the corrections population during 1996 through 1998. African Americans account for 7% of the bookings and 6% of the corrections population, and Native Americans account for 2% of the bookings and 2% of the corrections population. The booking study that examined Asian/Pacific Islanders showed that approximately 3% were booked into the Salt Lake County Jail and comprised 4% of the corrections population. It should be noted that while Salt Lake County Jail bookings

represent a large number (15,454), they may not be representative of the entire state and all bookings should be reviewed to determine if the comparisons between Salt Lake County Jail bookings are representative of Utah.

At this time It is difficult to determine why the decrease in representation from bookings to corrections occurs among Hispanics. One possible explanation is that some of the Hispanics are released to Immigration and Naturalization Services. However, after eliminating those individuals from the study, the Hispanic jail population was 25% which is still 9% higher than the 16% Hispanics in the Corrections population. Thus, Whites who are arrested and booked appear to continue into the corrections system at a rate higher than the booking rate (65.5% of those booked and 71.9% of those in the corrections system) while Hispanics appear to have a lower rate continuing into the corrections system (25% of those booked and 16% of those in the corrections system).

### **Pre-Sentencing Process**

The sentencing process was to be studied by matching as many characteristics as possible-criminal history, degree of offense, age and sentence across race and ethnicity. Review as many as possible (50 being the minimum number needed before conclusions might be drawn from the study) in the time still remaining for the Task Force Research. Only 14 reports were made available to the research team and therefore conclusions about racial or ethnic bias within the PSI process could not be drawn from this sample.

The team did report the process to the Task Force. The PSI is conducted by pre-sentence investigators who are hired as contract employees by the Adult Probation and Parole division of the Department of Corrections. In-house staff are also utilized for the drafting of PSI's, especially outside of Salt Lake County. Due to time limitations only the Salt Lake Office could be contacted. At the time of the study all of the 18 investigators of Salt Lake County AP&P were White. One investigator is bilingual (Spanish speaking). Attempts have been made to recruit minority persons for PSI writing, but have not, according to AP&P officials, been successful. (There are at least two minority PSI writers outside of the Salt Lake area).

The PSI is a powerful document. When a guilty plea is entered a PSI is requested. This plan is used in sentencing, supervision, prison classification, treatment while in the system, and probation/parole conditions. The Salt Lake County Office does 80-100 cases per week.

Investigators are randomly assigned defendants. The goal of the investigation is to aid in the sentencing process by gathering personal information on the defendant.

Investigators use interpreters when necessary. There was not consensus among those interviewed as to the impact of interpreters on the PSI especially those interpreters not of the same cultural background. Investigators were also split on their willingness to perceive biases in the reports. There are safeguards in the system to check bias since all PSI's are reviewed by colleagues, a supervisor, the defense, prosecution, and the judge.

The PSI takes 30-45 days to complete and goes to the court (judge), prosecuting attorney, and defense attorney three days prior to sentencing.

This is an area of future research. A much larger sample needs to be drawn and the impact of interpreters and culture of interpreters and investigators on PSI information gathering and reporting need to be determined.

## Community Resources

The research team examined to what extent culturally relevant community resources are available and how effective are they in meeting the needs of clients in the Utah corrections system?

Focus groups were conducted with line staff and with minority clients in community programs. The line staff groups were comprised of 38 individuals, mostly Caucasian. There were two Hispanic female participants. In the minority client focus groups 34 individuals participated; 17 Hispanic/Latino, 10 African-American, 4 Native American, 0 Asian, 1 Pacific Islander, 1 Italian/Iranian, 1 Jewish American.

Both staff and minority clients had difficulty in recalling instances where behavior or materials were disrespectful or insensitive to their culture. Education and language were viewed as areas of concern. Recommendations included an increase in Spanish-speaking programs and greater awareness from the courts to culturally sensitive programs in the community. The need for more multi-lingual counselors and education materials that were culturally sensitive was stressed. In addition, many minority clients and staff felt that effective means of addressing racial bias was not readily available.

## Jury Selection Process

The possibility of bias within the jury selection process is very real; however, highly limited data and confidentiality requirements make it a difficult subject to research. Chapter 46 of the Utah Judicial Code contains the rules and procedures for jury selection. 78-46-2 of the code clearly outlines the initial jury pool make-up as being a "fair cross-section of qualified citizens." A juror database is constructed using Department of Motor Vehicles (DMV) and voter Registration records. These two databases may not constitute a "fair cross-section." Minorities may be citizens but they may not be driving or voting citizens.

Bias may occur when prospective jurors are sorted out through various procedures including voir dire, the process of questioning a juror's ability to serve. There are limited safeguards in place against racial and ethnic bias and the interpretation of the law could lead to minority under representation within the jury selection process.

It is recommended that race/ethnicity of prospective jurors, and final jury make up be coded to facilitate future analysis.

## Summary

- A comparison of ethnic groups in the Criminal Justice System shows minorities are over-represented in the system, are more likely than Whites to be in prison or on parole rather than on probation, are more likely to be convicted of drug crimes or crimes against persons, are convicted of more serious crimes, have more severe criminal histories, and have more disciplinary actions.
- A comparison of jail bookings to the Corrections population show that a larger percentage of Hispanics are booked into jail than their proportion in the Corrections System.
- The length of stay in prison for specific offenses appears to be similar for minorities and Whites.

- While there is a surprisingly high agreement between the PSI and actual sentence, the guidelines do not agree as well with either the actual sentence or the PSI recommendations.
- Comparisons between PSI and guideline recommendations show that when the guidelines recommend probation, the PSI recommends prison approximately twice as often for minorities as for whites.
- The results indicate that once an individual is convicted of a crime and placed under the supervision of the Department of Corrections, ethnicity makes little difference in how an individual is treated.
- These data do not answer questions about whether plea bargaining is equal for minorities or whether minorities receive adequate representation by the legal system. One way to determine whether racial bias occurs in the judicial system would be to follow a group of individuals who are arrested for the same crime through the system. Information would be collected about their arrest, conviction, sentencing, supervision by Department of Corrections, and their release.
- The pre-sentence investigation, PSI, is a powerful tool in the sentencing process. The reports are mainly written by contract employees, who are predominantly Caucasian. Minority overrepresentation within the system suggests a need to review the impact of racial bias and/or cultural awareness both in the writing and interpreting of PSI's. The time frame was short and the sample small in this initial study. Conclusions could not be drawn. The recommendation is for further study in this area.
- Focus groups were held with staff and minority clients of the Department of Corrections community programs. Education, cultural awareness and language were stressed as barriers for minorities within the criminal justice system. In addition, participants expressed a need for additional venues to address issues of racial bias when they are encountered.
- The Jury selection process is carefully outlined in the Utah code. Its restriction to master lists made up of Motor Vehicle Registration and Voter Registration however may lead to bias. Further study is necessary and recommended.

Report of a Research Project submitted to the Juvenile Committee on Disproportionate Minority  
Confinement, a subcommittee of the Utah Task Force on Racial and Ethnic Fairness in the Legal System  
November 30, 1999

## Minority Overrepresentation in the Utah Juvenile Justice System

### EXECUTIVE SUMMARY

The purpose of this study is to examine the extent of overrepresentation (disproportionality) of juvenile minorities in the Utah Juvenile Justice System and to determine if systemic racial bias is present.

- The Juvenile Justice Information System database (JIS), the Bureau of Criminal Identification (BCI)<sup>179</sup> and selected social files were utilized in this analysis. In addition 200 youth (100 Minority and 100 Caucasian) were randomly selected to examine their offending histories and to track them through the juvenile justice system. Twenty-four (24) focus groups were held state-wide composed of one hundred and one (101) youth and eighty-five (85) system personnel. Additionally, thirty-five (35) exit interviews were conducted at the Scott M. Matheson Courthouse and the Cornell Detention Center. Representatives of three (3) law enforcement agencies were interviewed for their response to the focus group discussions. Major findings include the following.
- Disproportionality begins at the point of arrest and continues throughout the system. It increases as youth progress through the system. It is the highest in Observation and Assessment (O&A) and secure care.
- People of color (of all ages), including Whites of Hispanic origin, were 14.6% of the population of Ogden, Salt Lake City, and Provo in 1990 (last date of general census). Yet youth of color represented 30% of all youth arrested for prison offenses and 19 percent of all youth arrested for property offenses in Ogden, Salt Lake City, and Provo<sup>180</sup>. A total of 21.8 percent of all youth arrests, are minorities.
- Certain minority youth, after factoring in offending histories, do receive slightly more severe dispositions than do other youth. That is, considering only the number of each youths' felonies and misdemeanors, Hispanic youths received slightly more severe dispositions than did all other youths.
- Over a third (37 percent) of the youths received dispositions that were equal to that recommended by the sentencing guidelines. Of the remaining youths, 48 percent received dispositions that were less than that stated in the guidelines, and 15 percent received dispositions that were more severe than that indicated by the guidelines. (This study was unable to consider the influence of aggravating and mitigating circumstances on youths' dispositions. The Courts are currently collecting these data.)
- Focus groups were held with youth and system personnel across the state. The majority of youth and personnel interviewed do feel that youth of color are the subjects of racial bias.
- Both youth and staff believe that racial stereotyping practiced by personnel at multiple points in the system and by school system personnel leads to more severe sentencing for minority youth.
- System personnel stated that system staff exhibit biases in the areas of cultures, languages, and religions.
- Personnel assert that their discretionary use of aggravating and mitigating circumstances results in racial bias.
- Both youth and personnel perceive that minority overrepresentation is due at least in part to racial profiling by police.

- Youth perceive that, at various points in the system, Caucasian youth receive privileges that are not available to minority youth.
- Personnel assert that minorities do not have adequate representation in court, since they often do not have the financial means to hire competent attorneys.
- Personnel assert that bootstrapping (the alleged practice of stacking offenses on a single incident) is practiced by police, probation officers, and school system personnel.
- Personnel demonstrated apparently unintentional racial and social class bias during the focus groups.

## RECOMMENDATIONS

Based on this study's findings, the study authors recommend that the following steps be taken.

- Modify and improve the JIS and BCI Databases. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The JIS needs to improve coding of race and ethnicity by the courts and law enforcement, and to track socio-economic status (SES).
- Replace or supplement the aggravating and mitigating circumstances portion of the 1997 juvenile justice sentencing guidelines with a strengths-based approach. The current use of aggravating and mitigating circumstances is perceived to be weighted against youth of color and youth of lower socio-economic classes. (Increase cultural competence of system personnel).
- Hire additional minority staff.
- Expand the operating hours of the Court to accommodate work responsibilities of many Court clients.

## FUTURE STUDIES

Study authors recommend that the following areas receive further study.

- Profiling of minority youth and targeting minority communities by law enforcement must be more thoroughly examined as a continuation of this Court initiative.
- The relationship of aggravating and mitigating circumstances to dispositional practices of court personnel must be understood. Appendix I is an example of the concept. It is not intended to be a replacement for the current aggravating & mitigating portion of the guidelines. A period of study utilizing a strengths based approach in place of or in addition to aggravating and mitigating circumstances is recommended. (These data are currently being collected by the Court.)
- Examine the extent to which chronicity scores contribute to the overrepresentation of minority youth. Traditionally the system has strengthened sanctions as offending increases. The compounding of offenses and its impact on sentencing, especially for those who enter the system at a young age, needs to be better understood.
- Examine relationship of social class to arrest and incarceration, due to the fact that other studies have found very high correlations in this area. Socio-economic data are not currently being collected.
- Continue to examine the relationship of availability and quality of minorities representation in juvenile court.
- The alleged practice of bootstrapping and its relationship to self-fulfilling prophecies, (expectation of being arrested and incarcerated because of race, poverty, underclass), as expressed by many participants in this study must be more thoroughly examined. (Addendum to this report, due in late 1999, will hopefully add to understanding these two phenomena.)

Whenever organizations possess authority and discretion it is inevitable that biases will be manifested. The two areas where the potential for bias is the greatest is at the point of arrest and in sentencing practices.

Discretion within the juvenile court system is fundamental to the notion of the court acting in the best interests of the child. The progression of charges and the aggravating of instant offenses with chronicity scores, however, make it very difficult for youth to exit the system. Utah is just beginning its experience with revised sentencing guidelines for juveniles. The careful review of that process, with special consideration of the use of aggravating and mitigating circumstances, and the replacement or addition of a strengths-based approach seems especially warranted given the additional information this study provides to policy-makers.

Interviews with Women of Color  
in the Legal Profession on Racial and Ethnic Fairness in the Legal System  
Nicholas Woolf, M.A.  
July 1, 2000

## EXECUTIVE SUMMARY

### Introduction

The Utah Task Force on Racial and Ethnic Fairness in the Legal System held interviews with attorneys who are women of color in March 1999, as part of a larger effort to examine racial and ethnic fairness in Utah's criminal justice system. The interviews were designed to obtain additional perspectives from those already gained at public hearings. Approximately 10 attorneys self-selected from approximately 40 known women of color attorneys who were invited to take part in two group interviews. Participants included Mexican-American, Latin-American, Asian-American, and African-American attorneys.

### Overview

Participants were asked to respond to broad questions regarding fairness of treatment, expectations of behavior, and prospects for change faced by women of color in the legal profession. Participants were also asked about fairness of treatment of victims and defendants who are women of color, but the very small amount of discussion on this issue was consistent with the report on the public hearings and the report on interviews with attorneys and judges, and has not been repeated here.

The main part of the discussion was in two areas: the various experiences of living in *our own world*, and the various experiences of being kept out of or moving into *the other world*. Our own world refers to the world of minorities, a non-homogeneous world subject to the same divisions and issues as exist between our own world and the other world. The other world is everything that the female attorney of color feels in her professional life to be not a natural part of. Obtaining entry to this world therefore creates a contradiction which is expressed as uncertainty in many matters. A small amount of discussion touched on a third area, describing some mechanisms for *change*.

In addition to these main topics, the participants viewed all the discussion through three lens, or viewpoints. These are *context*, *networks*, and *labeling*. The lens of context refers to a reluctance to simplify, make generalizations, or attribute causes with certainty, based in part on feelings of uncertainty as to how to interpret or evaluate one's experiences. The lens of networks sees situations in terms of belonging or not belonging to various groups of inter-connected individuals. The lens of labeling interprets communications and situations in terms of labels or categorizations that are placed on one without one's consent, and which lead to a variety of unwanted consequences.



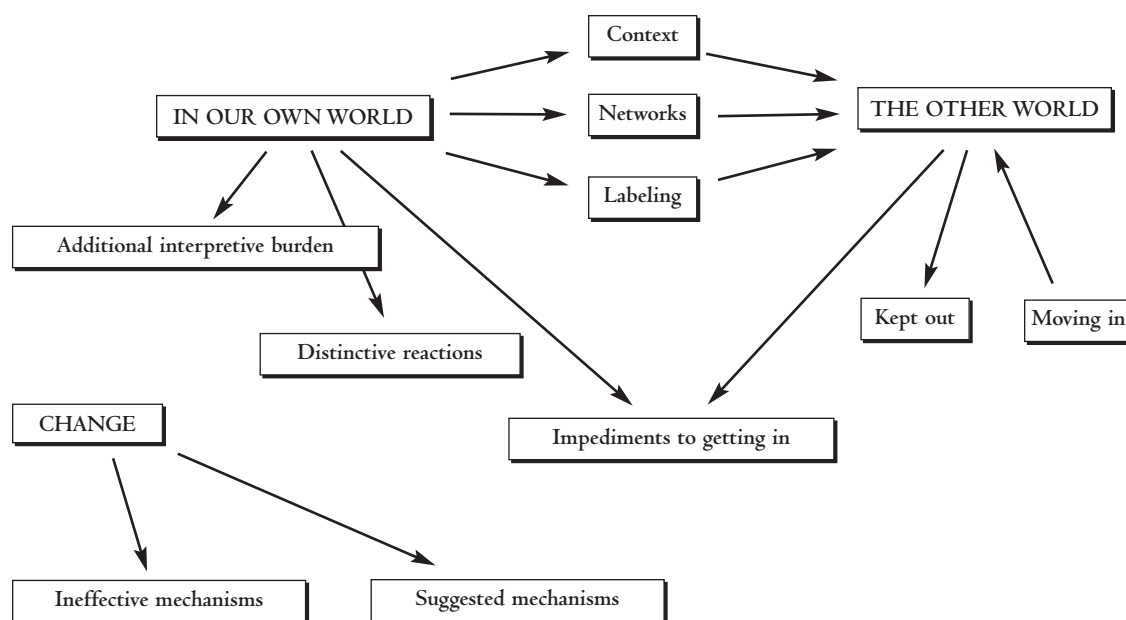


CHART I: Overview

### In Our Own World

Three topics dominated discussion of our own world. First, *additional interpretive burden*, was the unique burden on women of color in interpreting interactions and situations to evaluate whether gender or ethnicity or both was a biasing factor. This interpretive burden was a messy matter, involving uncertainties, sensitivities, and contradictions. The second topic was the set of *distinctive reactions* of women of color to the situations they faced in the legal profession. The third topic was the *impediments to getting into* the other world that were created by women of color themselves. The most significant impediment was the choice of many women of color to be un-involved with minority institutions and communities, and to forego mentoring or assisting other women of color, even though this need was forcefully expressed in other areas of the report.

*Additional interpretive burdens* comprised two areas. First was the issue of whether *gender or ethnicity* was the primary factor in any communication or situation. Gender bias was generally described as the more important issue, although more reported experiences referred to ethnic issues. The second area was *heightened sensitivity*, particularly to labeling. Participants expressed the preference not to be labeled, such as a recipient of special programs, or as the disliked term “women of color”, or even to draw attention to oneself as an accomplished person within the minority community. Labeling sometimes led to downplaying differences in order to avoid the discomfort of being labeled a woman of color. Another concern was *over-sensitivity*, expressed as uncertainty as to whether bias in any given situation is in reality present at all.

*Distinctive reactions* to being in our own world were both psychological and behavioral. The main psychological reactions were *surprise at the reality* of gender and ethnic bias in the legal workplace, often because participants had been brought up to assimilate and not notice such differences; feelings of *intimidation* from being in predominantly male, majority work environments; and feelings of *offense* at various behaviors found in the other world. The main behavioral reactions were the need to *monitor and control behavior* for fear of further labeling, and the need to *fight harder* than others to enter and be perceived as competent in the other world.

Impediments to moving into the other world are in two groups: *our impediments*, created by women of color wanting to move in, and *their impediments*, created by those already in. Impediments created by women of color themselves were both passive and active. Passive impediments included the unavoidable influence of *cultural differences* that are in conflict with the rules of the other world, and in some cases lead to a *reflexive uninvolvement*, or reluctance or inability to change roles and be involved in helping oneself and others into the other world.

The active impediments are conscious characteristics of women of color. The first is the most supported concept of this report, the *choice to be uninvolved* in minority institutions and communities, and thereby withhold the needed mentoring and assistance that have been emphatically called for throughout the report. Respondents felt strongly that involvement is a highly personal, contextual matter, and were generally uncomfortable with the unwanted expectations of the minority community to behave and work in certain ways. Responses to this contradictory dilemma varied from standing firm to the personal nature of this choice, to exhorting more established women of color to take responsibility for mentoring and offering others help, whatever their preferred choice in this matter. The second active impediment is a minor issue of not throwing stones when one lives in a *glasshouse*.

### The Other World

Participants discussed both the experience of being *kept out* of the other world, and the experience of *moving into* the other world. The dominant experience of being kept out is the pervasive experience of being an *outsider looking in*, a situation that renews itself in each new situation even once one is apparently in the other world. Outsider status is particularly noted in the *hiring and promotion* context, with women of color feeling that they are always outside the networks that are required to know of jobs or get an interview. However, once past the interview barrier, experience was mixed, depending greatly on the context and the individuals involved.

The final aspect of being kept out is the *impediments created by the other world*. The first impediments is the *cultural narrowness* of persons who have not had much contact with other cultures, and was especially noted among those who have not traveled outside the homogeneous State of Utah. Cultural narrowness naturally leads to uncertainty as to how to label those who are different. Such *labeling confusion* includes uncertainty in identifying the ethnicity of another, expectations of behavior based on ethnicity or gender, and confusion over one's own ethnic identity. This in turn prevents acceptance into networks, and in some cases is an *insurmountable barrier* no matter what is done to ameliorate it. These three impediments suggest that change may require broader cultural exposure rather than only education or institutional change.

The fourth impediment concerns a pervasive theme throughout the discussions, the need for something unusual to occur, typically the help of another in providing knowledge, mentoring, contacts, etc, in order to get into the other world. The common experience was that *no-one was there to help*. Participants considered that help was not intentionally withheld, but simply may not occur to the non-minority individual as important. The woman of

color then defaults to a position of self-labeling as inadequate for moving into the other world. The final impediment was a small issue of insensitivity of the other world to the limited *economic* resources of many women of color in the legal system.

*Moving into* the other world occurred through a variety of means. *Downplaying differences* was one strategy, although some reported that downplaying differences is ineffective in overcoming the insurmountable barriers mentioned above, and is also in contrast to the experience of others who prefer to maintain cultural integrity and pride while still seeking entry to the other world. A second strategy was to take advantage of various *catalysts* that presented themselves. One catalyst is *knowing the rules* of how the other world works, typically gained from a *mentor*. One concern with mentoring is that it is ineffective unless it is long term and starts early; for example, it is no use a mentor assisting a law student several weeks before graduation in how to handle oneself at an interview or cocktail party: knowing the rules implies a growth process rather than an exchange of information. Other catalysts included good advice from *established women of color*, serendipity, or the or the unexpected intervention of a person into a situation.

A small amount of discussion concerned *inconsistent treatment* in the other world that was both gender and ethnic specific. These experiences were consistent with those reported by other groups of respondents.

### Change

Change was a minor area of discussion, and concerned the *ineffectiveness of existing mechanisms* for change, and how they might be supplemented. A wide variety of examples were given of mechanisms that are in place to help women of color, but that are ineffective, for example, the inability of minority institutions to appeal to women of color, the lack of data on attorneys who are women of color, preaching to the choir instead of reaching out to and involving all lawyers in working to break down barriers, and ineffective mentoring. *Proposals for change* were not discussed extensively, other than incidental calls for education and training to broaden cultural awareness, greater judicial diversity, and less confrontational styles of communication.

## Report on Interviews with Attorneys and Judges on Racial and Ethnic Fairness in the Legal System

Nicholas Woolf, M.A.

March 15, 2000

## EXECUTIVE SUMMARY

## INTRODUCTION

The Utah Task Force on Racial and Ethnic Fairness in the Legal System held interviews with defense attorneys, prosecutors, and judges from throughout the state during November-December 1999, as part of a larger effort to examine racial and ethnic fairness in Utah's criminal justice system. The interviews were designed to obtain additional perspectives from those already gained at public hearings. Approximately 30 attorneys self-selected from approximately 100 defense attorneys and prosecutors who were invited to take part in three group interviews. Most participants were Caucasian, with a small number African-American, Hispanic, and Asian-American. Anonymity was assured, with the result that the interviews were extremely frank. Eighteen judges were individually interviewed from random selections from all judges in each district within the state.

## PART I: INTERVIEWS WITH ATTORNEYS AND PROSECUTORS

## OVERVIEW

Participants were asked for their perspectives on racial and ethnic bias issues in the entire legal system, including judges, prosecutors, attorneys, defendants and victims. Whereas in the public hearings no amount of requests from the moderators was able to divert discussion for long from the police, the attorneys responded to this request, and only about 10% of their discussions involved the police. In general, the attorneys required no encouragement and little direction from the moderator, and the meetings are more accurately described as discussions rather than interviews. In contrast to the public hearings, which were primarily descriptive reports of personal experiences of racial unfairness, the attorneys' discussions were primarily interpretations and proposed explanations of unfairness. Many of the proposed explanations were contradictory, highlighting the complexity of the topic.

The unstated ethos of the discussions was that while racism is pervasive in the justice system, and is often subtle, denied, or hidden, it was substantially absent from those present. Whether this is itself a denial, or due to self-selection of unbiased attorneys, or due to the presence of minority attorneys at the discussions, is unknown.

The bulk of the discussions were indirect, that is, about racial unfairness borne by the attorneys' minority clients. (A very brief final section of Part I concerns direct experiences of racial unfairness borne by minority attorneys themselves). Discussions of unfairness facing clients were in two areas: first, discussions about the *existence and extent* of unfairness in the legal system, and what may lead this to *change*; and second, speculations about the underlying nature of racial unfairness that have been presented in the report as *three potential theories* of racial unfairness.

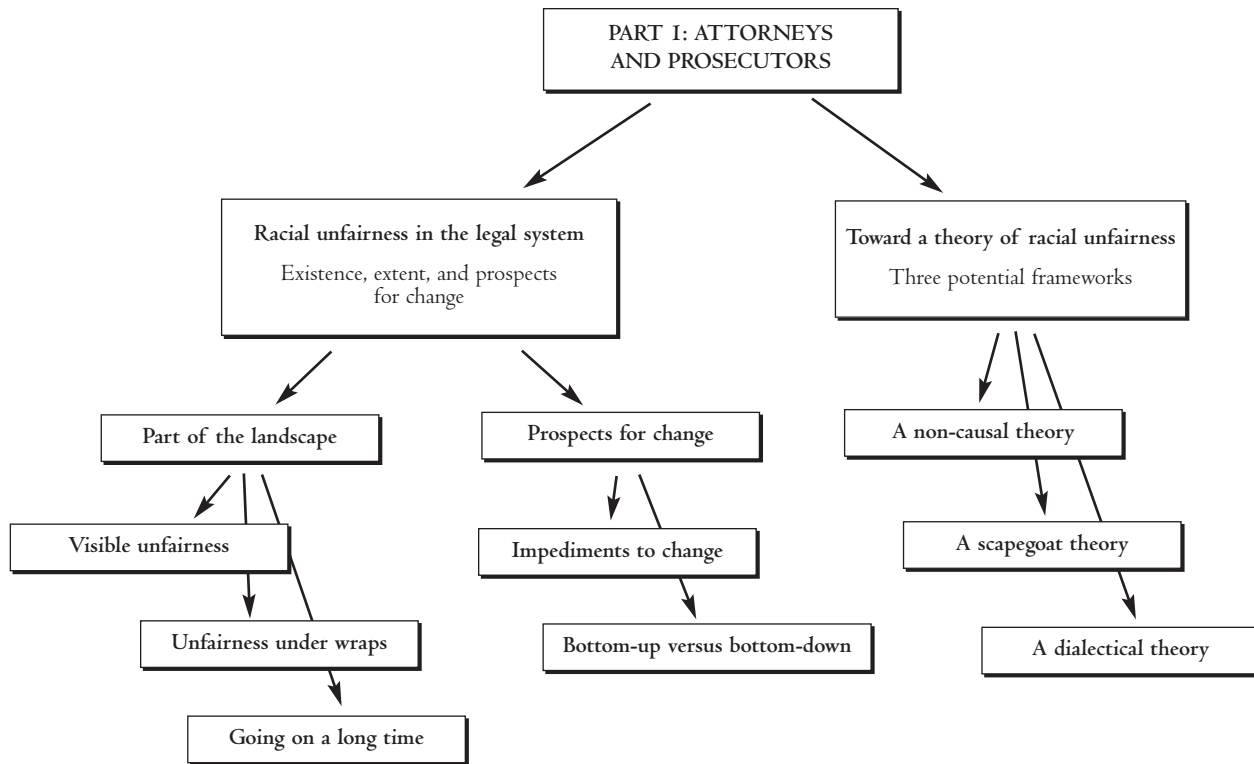


CHART I: Overview of Part I

The first area of discussion, concerning the existence and extent of racial unfairness, is largely descriptive, and a counterpart of “How Things Are” in the report on the public hearings. Attorneys considered racial unfairness an established *part of the landscape*, with *visible aspects*; with aspects that are *denied or hidden under wraps*; and with guarded optimism that although racism has been *going on a long time*, things are changing for the better. Attorneys also discussed the *prospects for change*, including *impediments to change* and the reasons for needing to *attend first to the front end* of the system.

In the second area, numerous propositions were made and discussed to explain the pervasive racial unfairness in the legal system. These have been synthesized into three potential theories or frameworks: a *non-causal theory*, in which race is proposed as not a cause, but as a correlate of other factors, that lead to unfairness; a *scapegoat theory*, in which race is blamed for unfairness caused by other factors; and a *dialectical theory*, in which both cultural differences and closeness lead to both lenient and tough treatment, creating contradictory dynamics of racial unfairness.

## PART OF THE LANDSCAPE

The attorneys discussed the visibility of what was, to almost all of them, the obvious, that racial bias is visible everywhere in the system. The first topic was racism, including many examples of *overt racism*, particularly by judges and juries, and also more subtle expressions of *covert racism* in the behavior of people in many parts of the system.

The second topic concerned the *main actors* in situations of racial unfairness, focussing on five groups: primarily judges, and secondarily prosecutors; juries; attorneys and the police. *Judges* were to the attorneys and

prosecutors what the police had been to the public: the primary focus of interaction with the justice system. A notable aspect of relations with judges was the highly judge-specific treatment of minorities. Regarding *prosecutors*, a consistent theme was assertions of the fairness and colorblindness of prosecutors in their decision making capacities. *Juries* as a primary source of racial unfairness and inconsistency treatment were the third most significant group to be discussed. Two themes regarding *attorneys* were the large differences between private and public defender representation, and the experiences of minority attorneys. The majority of stories concerning the *police* were very similar to those of the public hearings.

The third topic was manifestations of unfairness, descriptions of unfairness that were broadly similar to the public's descriptions. To avoid the redundancy of illustrating again the various categories of unfairness reported in the public hearings, this report only includes the categories of unfairness (namely, inconsistent treatment and profiling), in which the attorneys spoke extensively and with different emphases from the public hearings.

Regarding *inconsistent treatment*, whereas the public hearings emphasized situations when the wrong person suffers, when minorities are never given a break, and counter examples of favorable treatment to non-minorities, the attorneys emphasized: *inconsistent outcomes for similar situations*; inconsistency based on the *victim's ethnicity*, favorable treatment *between Mormons*; and concerns that remedies for inconsistency are *worse than the problem*. The latter involved a lengthy discussion expressing concerns for correctives to inconsistency and bias that cause greater injustices by imposing inappropriately harsher sentences on all defendants in an effort to be fair.

Regarding *profiling*, the public hearings reported profiling as a common experience based on both personal appearance and on being out of place. The attorneys also expressed a belief that racial profiling by the police was standard operating procedure, but emphasized other types of profiling: *profiling by judges and prosecutors*, and the increase in profiling cases *since the Lopez case*. Many contradictory statements were made regarding whether or not prosecutors screen for police stops based on profiling.

In addition to these visible aspects of racial unfairness, the attorneys also described the *denial* or *hiding* of racial unfairness that is nonetheless present. They also discussed the history of racism, and the direction of changes in recent years. As in the public hearings, the attorneys were unanimous that racism has had a *long history* in the justice system in Utah. But the public reported that in general things have got worse, whereas the attorneys expressed guarded optimism that if things have changed at all, they have been for the better.

## PROSPECTS FOR CHANGE

In contrast to the previous section which reported changes for the better, the attorneys simultaneously reported various impediments to eliminating racial unfairness from the legal system. First was *resistance and lack of will* to change, particularly on the part of judges. The most common explanation for the lack of will in eliminating racial unfairness was the effect of selective *media coverage* of crime. The final comments about impediments to change referred to a *lack of information* on race in police records. A significant amount of discussion called for changes at the front end of the legal system, or *bottom-up change*, as top-down change could not bring about fairness if minorities had already been irrevocably and unfairly pre-selected when suspects.

## TOWARDS A THEORY OF RACIAL UNFAIRNESS: A non-causal theory

Attorneys distinguished between causes and correlates of unfairness. They identified *four causes of unfairness*, all of which are correlated with race, and for which race is improperly blamed.

The first and most important cause is *low socio-economic status*. Several mechanisms were proposed. Of the three most important, the first is where low socio-economic status is the *direct cause*, because wealthier defendants are simply treated better, or have access to, for example, evaluations and support services that can lead to

mitigation. The second mechanism is where low socio-economic status *precludes access* to high quality private representation, an issue also emphasized at the public hearings. The third concerns minority *victims* with low socio-economic status who are as unfairly treated as defendants and suspects with low socio-economic status.

The second cause of unfairness is where race is *one of many inseparable components* that make up a human being, and race cannot be separated out as a single responsible factor for the treatment a person receives. This theory is contradicted by many experiences reported at the public hearings in which professional, educated, and highly-placed minorities also received unfair treatment.

Two other causes of unfairness that are correlated with race were *language barriers*, which were also mentioned frequently in the public hearings, and *gang membership*, which leads to special treatment in the legal system irrespective of race. Because minorities are over-represented in gangs, race may be improperly blamed for the unfairness really due to gang membership.

### TOWARDS A THEORY OF RACIAL UNFAIRNESS: A scapegoat theory

Here, race is blamed for unfairness where another factor is in fact the cause. The primary example is when race is *intentionally used as a strategy* by an attorney in the proper performance of his job. Thus race may be used in, for example, jury selection, but is not considered a racial judgement but rather *fulfilling the professional requirements* of one's job in using all possible arguments to benefit one's client or the state. However, attorneys noted the *unfavorable reaction of judges* to the introduction of the race card.

Another example of a scapegoat is where unfairness based on race is *blamed but none exists*. The most significant example is of prosecutors who it is asserted routinely act in a colorblind fashion for both practical and ethical reasons, but are not recognized to do this. A third example occurs when race is used as an *excuse* for unfair treatment, but is in fact based on the choices of the minority, for example to commit crime or to join a gang.

Other examples of scapegoating occur due to *over-generalizing*, or stereotyping, in which conclusions are drawn about all the members of a group based on the behavior of an unrepresentative sample; and *under-generalizing*, when race is blamed for unfairness instead of a broader principle of which it is an example, such as the effect of cultural similarity or shared experience.

### TOWARDS A THEORY OF RACIAL UNFAIRNESS: A dialectical theory

The dialectical theory of social change concerns inherent contradictions that are present within social phenomena. The social phenomena in question here are cultural differences between minority and non-minority people. The attorneys described many circumstances in which persons of both different and similar cultural backgrounds displayed both lenient and tough treatment towards others, producing four types of interaction. While every description of an interaction was based on race, the common denominator was not race itself but felt differences in cultural background and shared experiences.

The contradictions represented in these interactions suggest that a dialectical process may be involved, so that when changes in comfort and partiality between people of different races occurred after sufficient contact had taken place, treatment may shift from either lenient to tough or vice versa. Examples of all four situations were given by the attorneys, although no connection between them, such as a dialectical model, was suggested.

### DIRECT EXPERIENCES OF MINORITY ATTORNEYS

A small number of minority attorneys were present at the interviews, and so their direct experiences of racial unfairness were limited and comprise more of an addendum to the report. Two categories of experience were reported, distressing experiences with judges, and miscellaneous experiences with *clients*.



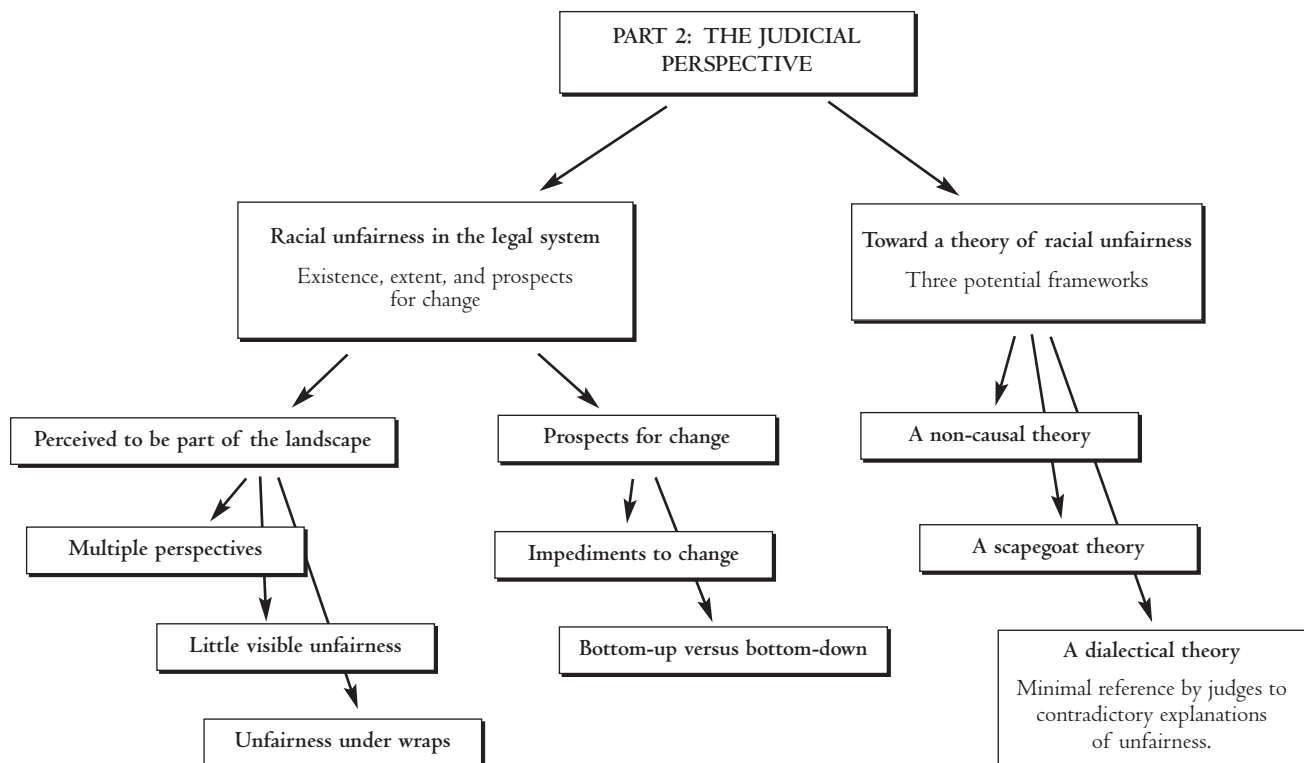
## PART 2: INTERVIEWS WITH JUDGES

### OVERVIEW

Judges were asked to respond to a set of open-ended questions about the differential treatment of minorities and Caucasians in their court and throughout the legal system. Each interview varied greatly in the extent of responses, from interviews with short, guarded statements, to those with informative and insightful discussions similar in style to the attorneys. However, almost all the interviews displayed a remarkable similarity of opinion. In general, judges' responses were less information-rich than attorneys', and the number of data segments identified and analyzed from the 20 judicial interviews was approximately the same as from the three attorney group interviews. Judges generally limited their comments to the courts, and in contrast to the attorneys and the public, did not focus on the police, attorneys, or any other groups.

The stated ethos of the discussions was that courts are fair to minorities, and the contradictory views of various other groups are only perceptions and alternative perspectives that may be understandable, but contrast with reality as they see it. Most judges expressed pride in the racial fairness of their own courts, and their active efforts to ensure appropriate treatment to all.

CHART 2: Overview of Part 2





Judges were cautious in expressing opinions, stating concern that anecdotal evidence was too unreliable a basis for opinion in the absence of any personal experience of unfairness occurring in their own courts. Some acknowledged the possibility that unfairness might exist even though they are not personally aware of it, and these comments could be interpreted as an acceptable way to acknowledge racism. In general, the marked contrast between the attorneys' views that bias and racism are pervasive in the justice system, and the judges' views that they are not, are of special interest as most judges were former attorneys. This could be interpreted as suggesting that current professional role rather than personal characteristics or life experience play a part in determining views on racism. All responses were indirect, that is, about the treatment of others in the courts. For purposes of comparison, the analysis of the judges' data was placed within the same basic conceptual framework as the attorneys', as shown in Chart 2.

Where the first major topic of the attorneys was racial unfairness as *part of the landscape*, for the judges this became *perceived to be part of the landscape*. The first theme in this section, *multiple perspectives*, did not emerge at all in the attorney discussions. Another difference is in the second theme, which changed from *visible unfairness* to *little visible unfairness*. The only other major difference at this level of detail is the lack of contradictory explanations of unfairness in the dialectical theory. Only a single example from the judges' data bears on this perspective.

At lower levels of detail, the themes and sub-themes vary in their correspondence to the attorneys' themes. See the comparison table and overview charts following the Executive Summary.

## PERCEIVED TO BE PART OF THE LANDSCAPE

Whereas attorneys described the various forms of pervasive unfairness in the justice system, the judges emphasized the different perceptions on fairness and unfairness. The first topic, *multiple perspectives*, contrasted the widespread *perception of bias*, whether valid or misguided, with the *actuality of fairness* that judges experienced in their courts. They emphasized the *active role* they play in ensuring that minorities are treated as any other defendant in similar circumstances, and that if unfairness does occur, it is certainly *unusual and infrequent*.

The second topic concerned the *small amount of visible unfairness*. The only theme of *unfairness manifesting* in the system concerned profiling issues of the police. Regarding the *main actors* in situations of unfairness, judges did not focus on any particular group, but where groups were mentioned in stories or examples, the most frequent were the *police* and *public defenders*. Also, when referring to minorities and their attitudes towards them, judges almost always distinguished clearly between *specific minority groups*, rather than to minorities in general as did the attorneys and public.

The third topic, *unfairness under wraps* was discussed very differently from the attorneys. Whereas the attorneys described the denial or hiding of racial unfairness, the judges expressed no knowledge of racially motivated unfairness in themselves or other judges. Some indicated that *unfairness could theoretically exist* in other courts without their knowledge, and others suggested that if racism existed in their colleagues, it was kept well *hidden*.

## PROSPECTS FOR CHANGE

Judges emphasized the need for minorities to increase their knowledge of the system and of their *rights and responsibilities*, rather than looking to the removal of impediments to change in the system. Even if *resistance to change* is present in the system, judges pointed out that such change cannot be legislated, but requires individuals to change themselves. Two suggestions for change were offered. First, increased *minority representation*, especially in attorneys, was felt to be most important in adequately serving the needs of minorities. Second, various proposals were made for *transformative education* for court personnel.

The concept of *bottom-up change* was expressed by one judge in different terms from the attorneys. Attorneys focused on the initial interactions between minorities and police as the source of disproportionate representation

in the system that could never be eradicated at later stages. The judge emphasized that an early history of disproportionate arrests due to socio-economic factors leads to an arrest history that is appropriately considered by judges in giving later inconsistent treatment. Thus the focus of change should not be on relations with police but on socio-economics.

#### TOWARDS A THEORY OF RACIAL UNFAIRNESS: A non-causal theory

Judges distinguished between causes and correlates of unfairness in the same manner as attorneys. As with the attorneys, *low socio-economic status* was considered the prime cause of unfairness, but the judges emphasized the *cultural aspects* as strongly as the economic. While the judges agreed with the attorneys that low economic status precludes access to the best representation, they also felt that the public defense system is excellent, and it is those *in the middle*, of any race, who cannot afford the best attorneys but also do not qualify for public defense that have the least access to good representation.

More than the attorneys, judges emphasized language barriers as a primary cause of unfairness that is correlated with race, with issues of interpreters uppermost in judges' minds. The judges noted that interpreters can never compensate fully for a lack of English skills, typically do not have the critical skill of understanding the culture as well as the language, and vary greatly in quality of interpretation.

#### TOWARDS A THEORY OF RACIAL UNFAIRNESS: A scapegoat theory

In the scapegoat theory, race is blamed for unfairness when another factor is responsible. Of the three attribution errors discussed by attorneys, only *race as excuse* was mentioned by judges. Several examples of other factors were identified, including the role of the law in separating people according to their behaviors, and the natural desire of people to find reasons for their punishment. Judges also noted the problem of the natural tendency to *stereotype*, when judges see many similar cases in their courts with defendants of the same ethnicity. Other causes of unfairness improperly blamed on race include deficiencies in the *legal system* itself, and deficiencies in *social programs* that have failed to help minorities increase their socio-economic status.

#### COMPARISON TABLE OF ATTORNEY AND JUDGES

The following table, whose sections follow the sequence of the report, summarizes some major differences between the responses of attorneys and judges. The attorneys' views appears on the left, and the judges' on the right.

Attorneys	Judges
THE INTERVIEW DATA	
Three group interviews were held, each based on a brief introductory question with little direction from the moderator.	Twenty individual interviews were held, ranging from Appeals Court judge to Commissioner. Responses to seven open-ended questions were much briefer than the attorneys responses, and ranged about equally from guarded.
Discussions were lively, and included proposing and countering each other's arguments, and presenting ideas that had apparently been percolating for some time.	

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## GENERAL COMMENTS

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### TYPES OF RESPONSE AND AREAS OF FOCUS

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In contrast to the public hearings, which described but did not attempt to explain unfair treatment, the attorneys primarily explored the causes of bias. And while the public focussed almost exclusively on the unfairness of police, attorneys focused largely on judges.

Judges were cautious in their responses, citing a lack of personal experience of unfairness in their own courts, and the lack of empirical data.. Judges did not focus on any one particular group.

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### PERVASIVE ETHOS

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The unstated assumption was that racism was pervasive in the justice system, but not in those present at the interviews. Prosecutors particularly asserted their own colorblindness.

The stated assumption was that courts are fair to minorities, and those that feel otherwise are only expressing perceptions or perspectives rather than fact. Judges were proud of the racial fairness of their own courts.

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## FINDINGS: Racial Unfairness As Part Of The Landscape

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### VISIBILITY OF UNFAIRNESS

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Attorneys considered unfairness highly visible, emphasizing profiling and inconsistent treatment by the police; the racism of juries and others; the judge-specific nature of unfairness; and the difficulty of minorities in obtaining good representation.

Judges contrasted the widespread perception of unfairness with the actuality of fair treatment to all groups in court. Fair treatment is in part due to judges' own active measures to ensure fairness.

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### UNFAIRNESS UNDER WRAPS

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Attorneys described much denial and hiding of racial unfairness.

Judges accepted theoretically that some racial unfairness may exist, but if it does, it is kept well hidden.

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### GOING ON A LONG TIME

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Attorneys indicated unfair treatment has a long history, but expressed guarded optimism that things were improving.

Judges indicated that where unfairness had been seen, it was unusual and infrequent.

## Attorneys

## Judges

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IMPEDIMENTS TO CHANGE

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The main impediment to change is judicial lack of courage and resistance to change, exacerbated by biased media coverage.

Change must begin with police, at the point where minorities are unfairly over-represented into the system. Later top-down change can never counter this unfairness once it is established.

Judges placed responsibility for change on minorities themselves, particularly in better understanding their legal rights and responsibilities.

To facilitate change, judges proposed more minority representation in the system, and more effective social programs to raise the socio-economic status of minorities.

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FINDINGS: Towards A Theory Of Racial Unfairness

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A NON-CAUSAL THEORY

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Race correlates with many factors that are the true cause of unfairness, but is improperly blamed as the cause. The main true causes are: low socio-economic status, race as only one component of many of an individual, and language barriers.

Judges agreed with the attorneys' theory, but cited as the true causes of unfairness: the cultural aspects of socio-economic status, problems with interpreters, and how an early track record of arrests leads to a lifetime of inconsistent treatment.

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A SCAPEGOAT THEORY

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Race is blamed for unfair treatment where in reality an entirely different factor is the true cause, e.g. where race is properly used as a legal strategy, or where race is used as an excuse by a minority criminal.

Judges agreed with the attorneys' theory, and also cited as the true causes of unfairness: the difficulty of avoiding racial stereotyping, and blaming bias on individuals rather than a flawed system.

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A DIALECTICAL THEORY

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Attorneys described contradictory situations in which culturally close and culturally different people may be variously tough and lenient with each other.

Judges did not describe any comparable situations.

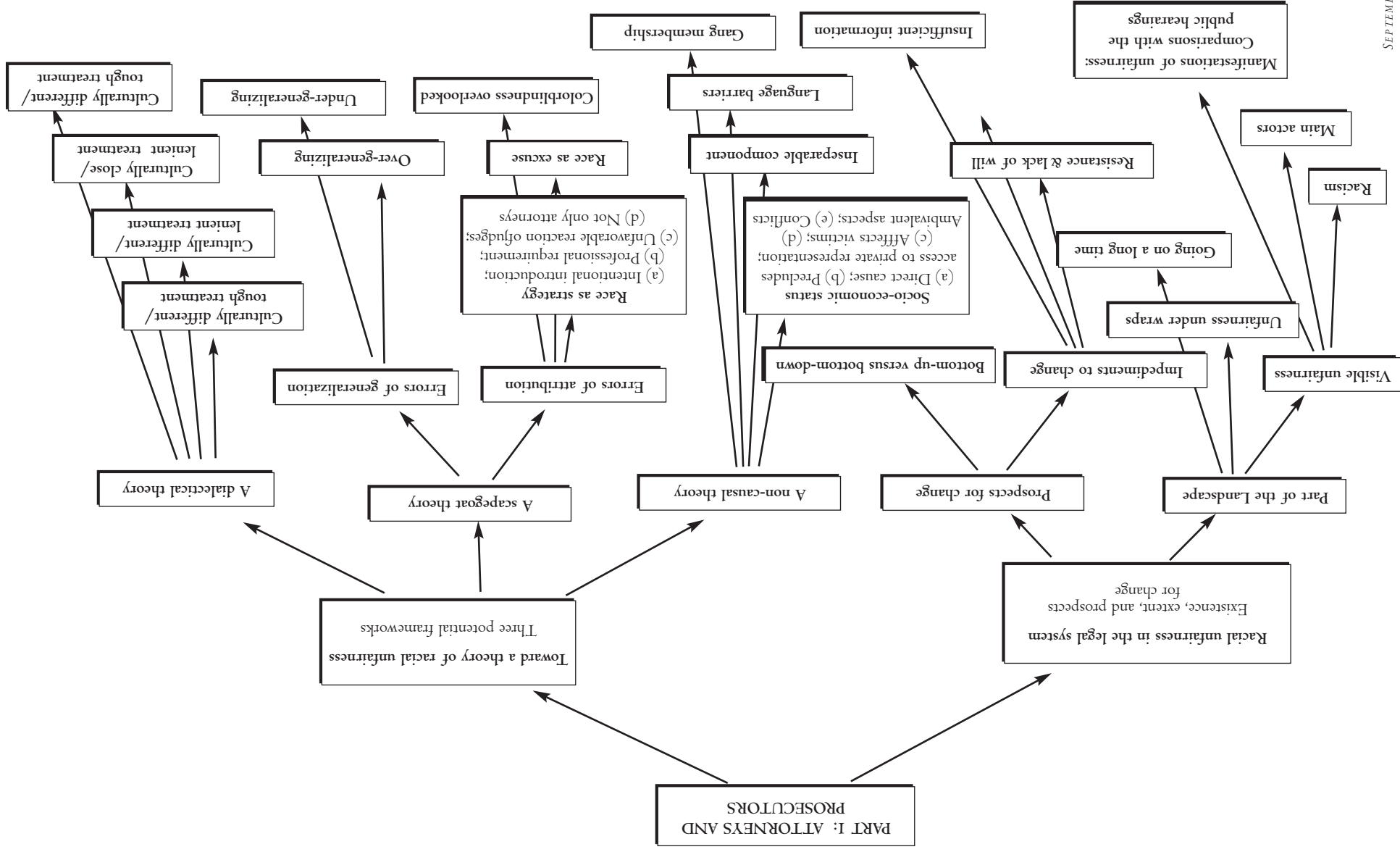


CHART 3: Detail Chart of Part I

DETAIL CHART OF PART 2

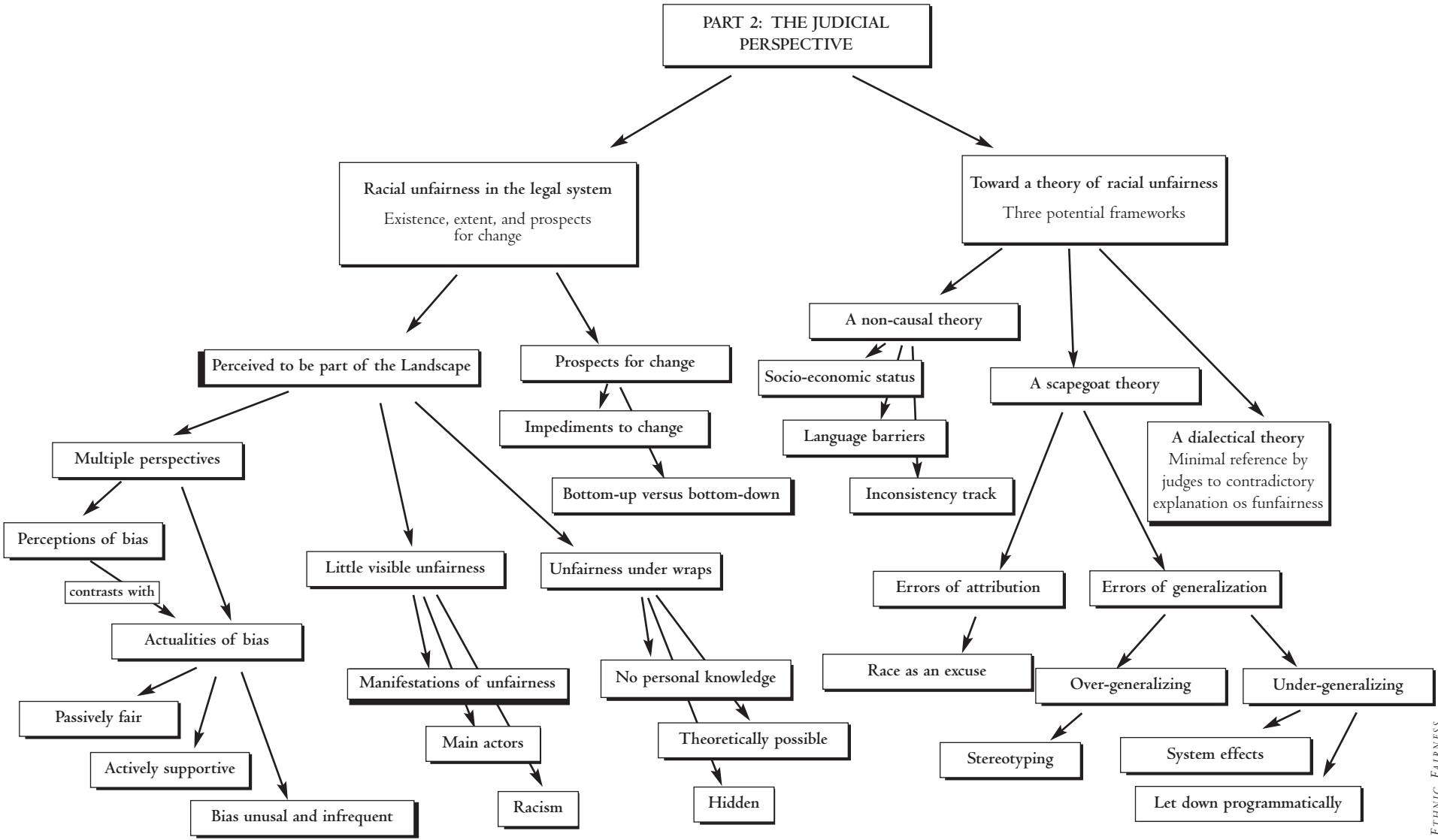


CHART 4: Detail Chart of Part 2

Listening to Utahns: Report on the Public Hearings  
of the Utah Task Force on Racial and Ethnic Fairness in the Legal System  
Nicholas Woolf, M.A., et al.  
December 1999

## EXECUTIVE SUMMARY

The Utah Task Force on Racial and Ethnic Fairness in the Legal System held 19 public hearings between July 16, 1998, and March 26, 1999 as part of an effort to examine racial and ethnic fairness in Utah's criminal justice system. The hearings were held throughout the state in minority neighborhoods; one hearing was held at a state prison. Approximately 1,200 community members attended the hearings. Participants were invited to offer experiences of unfairness that they or people they knew had experienced in Utah. The hearings were not intended to establish facts, but to identify perceptions of unfairness from the perspective of the minority person. Transcripts of the hearings were analyzed to identify themes expressed consistently throughout the hearings.

The majority of the experiences provided by participants described how things are; a smaller number offered descriptions and proposals for how things should be; and a small minority of people offered explanations of the root causes of unfairness. **The overall sense of the stories is that unfair and oppressive treatment is pervasive, long standing, and getting worse.**

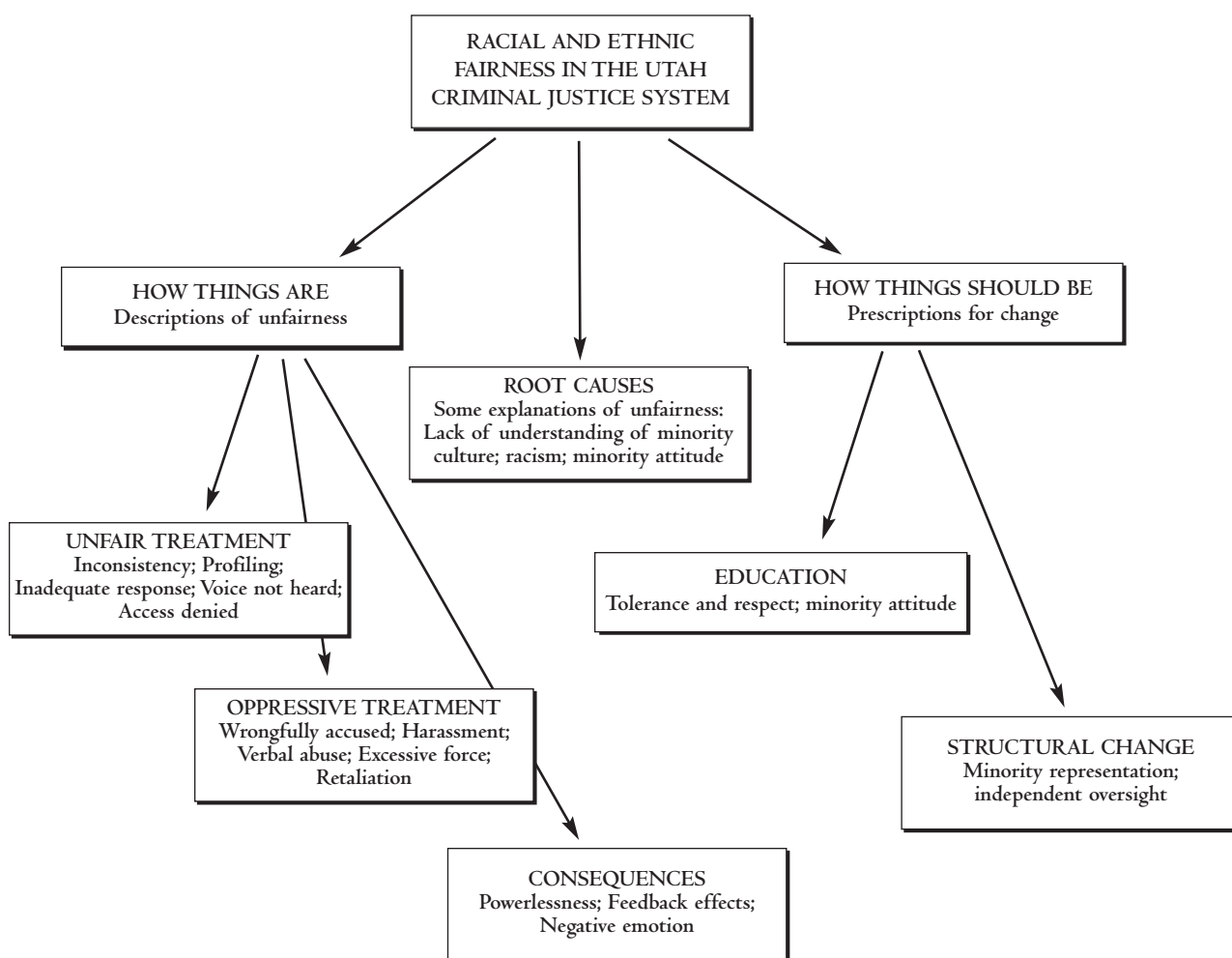
Despite repeated requests from Task Force members to hear stories relating to all aspects of the justice system, including the police, judges, courts, attorneys, probation officers, the juvenile system, etc., the majority of experiences concerned the police force. While most of the experiences with the police indicated mistreatment, a small number described courteous or helpful experiences, and expressed understanding of the different perspective of the police.

Many reports of unfairness were outside the scope of the report and have not been included. These include grievances with the justice system that did not refer to differential minority treatment, and reports of unfair treatment unrelated to the justice system, for example, mistreatment by employers, co-workers, businesses, and administrators and peers in schools.

The report has three parts. Part I, the largest part, deals with participant's perceptions of how things are. Part 2, the smallest part, deals with perceptions of root causes. Part 3 deals with participant's views of how things should be.

### *PART 1: HOW THINGS ARE*

The three most consistent themes of how things are were **unfair treatment** (of which inconsistency and profiling were most significant); **oppressive treatment** (of which wrongful accusation and harassment were most significant); and **consequences** (of which powerlessness was most significant). In order to easily track the topics and issues that emerged from the analysis of the hearings, the main topics are in bold and the subtopics are underlined throughout the Executive Summary and the main body of the report.



### PRIMARY THEMES OF THE PUBLIC HEARINGS ON UNFAIRNESS IN THE JUSTICE SYSTEM

#### Unfair treatment

Unfairness, in general, refers to differential treatment between minorities and non-minorities, and was reported as a pervasive feature of minority life. Several different types of unfairness were reported and are described below.

*Inconsistent treatment* was the most commonly cited type of unfair treatment. This refers to a minority being treated differently from a non-minority in the same situation or set of circumstances. Three types emerged. The first is where non-minorities were perceived to share equal blame or be the guilty party in a situation, yet the minority was blamed or punished. The second type was that in situations of uncertainty over wrongdoing, the minority would never receive the benefit of the doubt, such as when a minority woman in the company of non-



minority man is assumed to be a prostitute. The third type, in which it was perceived that non-minorities received treatment that would never happen to a minority, served as a constant reminder that unfair treatment is reserved for minorities.

The second most commonly cited type of unfair treatment was *profiling*. Profiling was used to describe experiences of being harassed or singled out on the basis of appearance or being in the wrong location, without any suggestion that a specific wrongdoing has occurred. Profiling was described as the normal, every day experience of minority life, regardless of social standing or position. Many indicated that profiling has increased in recent years, and leads to great emotional strain. Typical emotions were anger, sadness and dismay that this is occurring in America, conflict with feelings of cultural pride, and frustration that a minority group has to suffer as a whole because of the behaviors of a small number of its members.

Several other themes of unfair treatment were also mentioned, for example, *inadequate responses* to requests for information, assistance, or redress of grievance led to significant frustration. Two types of inadequate responses were distinguished: 1) those that were improper, like unprofessional standards of behavior by attorneys or judges, and 2) those considered a matter of neglect, in which the minority perceives being pushed too far down the list of priorities to ever receive adequate response or attention. Of particular note were inadequate responses to complaints against the police. Other areas of unfair treatment included a sense of *not being heard*, and experiences of *access denied*. Access denied or lack of access typically referred to receiving adequate legal representation. Language barriers were also mentioned consistently as contributing to a lack of access. This included the lack of availability of interpreters, but more importantly the unfairness caused by interpreters who are familiar with the minority language but not the dialects, colloquialisms, or minority culture that are necessary to properly represent a person's side of a story in a courtroom.

### Oppressive treatment

Oppressive treatment refers to the manner in which minorities experienced the justice system, rather than the fairness of the treatment itself. Many accepted that their behaviors merited punishment, but felt wronged at the harshness or insensitivity of their treatment.

By far the largest category of oppressive treatment was perception of *wrongful accusations*, primarily by the police, but also by attorneys and within the court system. Wrongful accusation referred to accusations made without any reasonable justification, followed by either no charge, or a charge perceived as clearly unfounded. Many minorities reported this experience to be frequent and regular. Closely related to wrongful accusations were experiences of *harassment*, situations in which minorities are repeatedly stopped or questioned by the police without being accused of any specific wrongdoing. Both wrongful accusations and harassment were often accompanied by *verbal abuse*, which was described as rude or offensive speech that often led to emotional distress. Verbal abuse was the one area that a number of speakers implied was currently less severe than it was in the 1960's and 1970's. Stories of *excessive force* were another common theme. This exclusively concerned the police. Speakers did not characterize force as being either excessive or reasonable in itself, but rather the excess was in the contrast of force between the reported actions of the minority and the reported actions of the police. Thus excessive force is also closely related to unfair as well as oppressive treatment.

A final experience of oppression was that of retaliation. Only a single actual example of perceived retaliation was presented. However, fear of retaliation by judges and police, rather than retaliatory acts themselves, was a frequent theme. At the prison hearing, *fear of retaliation* was expressed more strongly as an everyday experience. While fear of retaliation may or may not be warranted, it is a real, personal experience expressed by a number of speakers.

## Consequences

*Powerlessness* is the most significant of several themes considered broadly as the consequences of unfairness in the justice system. The general sense of the hearings was that minorities experienced extreme powerlessness in the face of a justice system that they did not understand and that did not understand them. Two aspects of powerlessness were most significant. The first was the pervasive lack of knowledge about the workings of the justice system, of minority rights, and of the host culture that compounded the power differences between minorities and those in authority. The second aspect of powerlessness was its manifestations as resignation and inertia. Inertia referred to not taking action in the face of an overwhelming adversary. Experiences of inertia were closely related to a lack of trust in the justice system.

Several additional consequences of unfairness emerged as themes. One was the presence of *feedback or system effects* which increase the criminality of minorities rather than reduce it, are counterproductive to their intended goals, or increase rather than decrease the differences between minorities and non-minorities. For example, efforts to educate minorities about the justice system fail to reach those most in need of it, due to the fear, lack of trust, etc. that the education is intended to address. Another consequence was the generation of significant *negative emotion*, particularly pessimism, humiliation, fear, frustration, anger, and distress. The concept of pessimism captures a variety of experiences that describe the low expectations of minorities that the justice system will treat them fairly. This included the sub-themes of lack of trust in the system, and expectation that bias would remain as a permanent fact of life.

Certain groups faced specific sets of issues: those with low socio-economic status, illegal immigrants, women, and the non-English speaking. A consistent theme of the illegal immigrants was that the functions of immigration and criminal justice agencies should not be mixed, and that unnecessary distress is caused when they are.

## PART 2: ROOT CAUSES

Fewer experiences were offered to explain the causes of unfairness than to describe the experience. Of several themes in this area, the most important was lack of *understanding of minority culture* by police and others in the justice system.

### Lack of understanding

Two sets of causes were proposed: 1) those based on the behavior of minorities, and 2) those based on the behavior of representatives of the justice system. Regarding the behavior of minorities, a number of speakers suggested that an *unhelpful minority attitude* contributed to unfair treatment. Some told stories of helpful attitudes that were considered to have mitigated or eliminated unfair treatment. Many stories of unhelpful attitude did not draw a direct connection between an unhelpful attitude and unfair treatment received. There is clearly a wide range of views about the role of *minority attitude* as it relates to unfair treatment.

### Unawareness and Racism

Regarding representatives of the justice system, cultural *unawareness and racism* were the main themes. Cultural unawareness was the most consistent factor, for example, understanding the importance of culture-specific practices and needs, and the importance of subtlety of language in understanding a foreign culture. Racism was both overt (racism expressed without apology) and internalized (in which a member of minority group comes to believe the racist thoughts about him or herself or group.)

### PART 3: HOW THINGS SHOULD BE

Prescriptions for change in the justice system were offered in two areas: education and structural change.

#### Education

The most consistent theme of education was a call for training police officers in *tolerance and respect*. One strongly held view was that minorities are not treated as human beings, whereas non-minorities are treated with a much higher degree of respect. Other educational needs were to inform minorities of the legal system process, and to change *minority attitudes* regarding accepting responsibility and seeing the other's point of view.

#### Structural Change

In the area of structural change, participants called for increased *minority representation* in all facets of the justice system. This includes increasing the number of minority police, attorneys, judges, review boards, and administrative personnel. Minority representation came closest to being the silver bullet that would ease unfairness system-wide. A second theme was *independent oversight* of police. Participants voiced the opinion that the current system would not adequately address their concerns about police abuse and discriminatory behavior.

## ENDNOTES

- [1] Woolf, Nicholas, et al. *Report on the Public Hearings of the Utah Task Force on Racial and Ethnic Fairness in the Legal System*. University of Utah Graduate School of Social Work Social Research Institute, 1999, p. 80.
- [2] Ibid., p. iv.
- [3] Ibid., p. 69.
- [4] Woolf, Nicholas. *Report on Interviews with Attorneys and Judges on Racial and Ethnic Fairness in the Legal System*. University of Utah Graduate School of Social Work Social Research Institute, 1999, p. vi, xi.
- [5] Pre-Adjudication Committee. *Pre-Adjudication Committee Report to the Utah Task Force on Racial and Ethnic Fairness in the Legal System*. Utah Administrative Office of the Courts, 1999, p. 25.
- [6] Representation Committee. *Representation Committee Report to the Utah Task Force on Racial and Ethnic Fairness in the Legal System*. Utah Administrative Office of the Courts, 1999, p. 38.
- [7] Courts Committee. *Courts Committee Report to the Utah Task Force on Racial and Ethnic Fairness in the Legal System*. Utah Administrative Office of the Courts, 1999, p. 44-45.
- [8] Disproportionate Minority Confinement Committee. *Disproportionate Minority Confinement Committee Report on the Juvenile Justice System to the Utah Task Force on Racial and Ethnic Fairness in the Legal System*. Utah Administrative Office of the Courts, 1999, p. 22.
- [9] Ibid., p. 30.
- [10] Van Vleet, Russell K., et al. *Minority Overrepresentation in the Utah Juvenile Justice System: Report of a Research Project submitted to the Juvenile Committee on Disproportionate Minority Confinement, a Subcommittee of the Utah Task Force on Racial and Ethnic Fairness in the Legal System*. University of Utah Graduate School of Social Work Social Research Institute, 2000, p. 79.
- [11] Community Resources Committee. *Community Resources Committee Report to the Task Force on Racial and Ethnic Fairness in the Legal System*. Utah Administrative Office of the Courts, 1999, p. 15.
- [12] Woolf, et al., *Report on the Public Hearings*, p. 26.
- [13] Woolf, *Report on Interviews with Attorneys and Judges*, p. 100.
- [14] Diaz, Yvette Donosso. *The Perceptions and Experiences of Female Attorneys of Color in Utah's Judicial System*. Brigham Young University J. Reuben Clark Law School, 1999, p. 10.
- [15] Van Vleet, Russell K. et al. "Report on the Pre-sentencing Process," in *Adult System Research*. University of Utah Graduate School of Social Work Social Research Institute, 1999, p. 12.
- [16] Ibid., p. 11.
- [17] Ibid., p. 12.
- [18] Ibid., p. 13.

- [19] Client Committee. *Perceptions of Racial and Ethnic Fairness in the Criminal Justice System: Listening to Utahns. A Client Committee Report on the Public Hearings of the Utah Task Force on Racial and Ethnic Fairness in the Legal System*. Utah Administrative Office of the Courts, 1999, p. 107.
- [20] Woolf, et al., *Report on the Public Hearings*, p. 5.
- [21] Ibid., p. 16.
- [22] Ibid., p. 18, 26.
- [23] Van Vleet, et al., *Minority Overrepresentation in the Utah Juvenile Justice System*, p. 102.
- [24] Representation Committee, p. 29.
- [25] Initial Guideline Information, Utah Department of Corrections, October 18, 1999.
- [26] Woolf, et al., *Report on the Public Hearings*, p.18.
- [27] Ibid., p. 25.
- [28] Ibid., p. 39.
- [29] Woolf, *Report on Interviews with Attorneys and Judges*, p. 31.
- [30] Jenson, J.M., Yaffe, J., & Associates. *Racial Disproportionality in the Utah Juvenile Justice System [Final Report]*. University of Utah Graduate School of Social Work Social Research Institute, 1995.
- [31] RAND is an organization that seeks to improve public policy and decision making through research and analysis. The organization was established shortly after World War II by the US Air Force to provide consultation on issues of national defense. Since then RAND has broadened its efforts and works with public policy makers, the private sector, and public individuals on issues such as education, community development, and criminal and civil justice.
- [32] Woolf, et al., *Report on the Public Hearings*, p. 5.
- [33] Client Committee, p. 17.
- [34] Juab County, Salt Lake County, Uintah County, Washington County, Weber County.
- [35] Pre-Adjudication Committee, p. 35.
- [36] Ibid., p. 36-37.
- [37] Respondents include Salt Lake County Sheriff's Office, Midvale P.D., Salt Lake City P.D., Sandy P.D., South Salt Lake P.D., and West Valley City P.D.
- [38] Respondents include Uintah County Sheriff's Office and Naples P.D.
- [39] Respondents include St. George Police Department.

[40] Respondents include Weber County Sheriff's Office, Harrisville P.D., North Ogden P.D., Ogden City P.D., Plain City P.D., Pleasant View P.D., Riverdale P.D., Roy P.D., and Washington Terrace P.D.

[41] Pre-Adjudication Committee, p. A-2. Category names are consistent with those reported by SLPD.

[42] The protective service category of employees includes more than just sworn law enforcement officers. According to the Equal Employment Opportunity Commission, to which the city's data categories comply, protective service workers include, "[o]ccupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers." EEOC Form I64, State and Local Government Information (EEO-4) Instruction Booklet.

[43] Comment document addendum provided to the Task Force, March 2000.

[44] Representation Committee, p. I4-2I.

[45] Disproportionate Minority Confinement Committee, p. 26.

[46] Office of Human Resource Management, Administrative Office of the Courts, October 1999.

[47] Data received from Office of Human Resources, Administrative Office of the Courts, April 2000.

[48] Woolf, *Report on Interviews with Attorneys and Judges*, p. 92.

[49] Courts Committee, p. 29.

[50] *Ibid.*, p. 25.

[51] Data available through 1990.

[52] Data begins 1988.

[53] Data begins 1987.

[54] Post-Adjudication Committee. *Post-Adjudication Committee Report to the Utah Task Force on Racial and Ethnic Fairness in the Legal System*. Utah Administrative Office of the Courts, 1999, p. 23-25. Data include many of the common job positions at the Utah Department of Corrections but does not include every position in the agency.

[55] *Ibid.*, p. 25.

[56] Information provided to the Task Force, April 2000.

[57] Van Vleet, et al., *Minority Overrepresentation in the Utah Juvenile Justice System*, p. 39.

[58] *Ibid.*, p. 55.

[59] *Ibid.*, p. 107.

- [60] Van Vleet, Russell K., et al. "Community Resources Focus group report," in *Adult System Research*. University of Utah Graduate School of Social Work Social Research Institute, 1999, p. 4.
- [61] Woolf, et al., *Report on the Public Hearings*, p. 80.
- [62] See for example, Client Committee, p. 98; Community Resources Committee, p. 14; Courts Committee, p. 18; Disproportionate Minority Confinement Committee, p. 20; Post-Adjudication Committee, p. 11; and Pre-Adjudication Committee, p. 27.
- [63] Courts Committee, p. 24.
- [64] Disproportionate Minority Confinement Committee, p. 26.
- [65] Pre-Adjudication Committee, p. 32.
- [66] Community Resources Committee, p. 18.
- [67] Van Vleet, Russell K., et al. "Community Resources Survey Administrator Form," in *Adult System Research*. University of Utah Graduate School of Social Work Social Research Institute, 1999, p. 5.
- [68] *Ibid.*, p. 6.
- [69] Community Resources Committee, p. 15.
- [70] Van Vleet, et al., "Report on Community Resources Focus Group," p. 1.
- [71] *Ibid.*, p. 11.
- [72] *Ibid.*
- [73] Van Vleet, et al., *Minority Overrepresentation in the Utah Juvenile Justice System*, p. 70.
- [74] *Ibid.*, p. 100.
- [75] *Ibid.*, p. 101, 103.
- [76] *Ibid.*, p. 106.
- [77] Woolf, et al., *Report on the Public Hearings*, p. iv.
- [78] *Ibid.*, p. 69.
- [79] Woolf, *Report on Interviews with Attorneys and Judges*, p. vi, xi.
- [80] Woolf, Nicholas. *Interviews with Women of Color in the Legal Profession*. University of Utah Graduate School of Social Work Social Research Institute, 2000, p. 27.
- [81] Van Vleet, et al., "Pre-sentencing Process," p. 2.
- [82] *Ibid.*, p. 12.

- [83] Ibid., p. 13.
- [84] Pre-Adjudication Committee, p. 25.
- [85] Representation Committee, p. 38.
- [86] Courts Committee, p. 44-45.
- [87] Disproportionate Minority Confinement Committee, p. 22.
- [88] Ibid., p. 30.
- [89] Van Vleet, et al., *Minority Overrepresentation in the Utah Juvenile Justice System*, p. 79.
- [90] Van Vleet, et al., "Report on the Community Resources Focus Group," p. 4.
- [91] Ibid., p. 4.
- [92] Woolf, et al., *Report on the Public Hearings*, p. 26.
- [93] Ibid., p. 27.
- [94] Woolf, *Report on Interviews with Attorneys and Judges*, p. 41.
- [95] Ibid., p. 100.
- [96] Diaz, *Female Attorneys of Color in Utah's Judicial System*, p. 10.
- [97] Van Vleet, et al., "Report on the Pre-sentencing Process," p. 12.
- [98] Ibid., p. 11.
- [99] Ibid., p. 12.
- [100] Ibid., p. 13.
- [101] Client Committee; Woolf, et al., *Report on the Public Hearings*.
- [102] Woolf, et al., *Report on the Public Hearings*, p. vii.
- [103] Ibid., p. viii.
- [104] Woolf, *Report on Interviews with Attorneys and Judges*, p. 89.
- [105] Van Vleet, et al., "Report on the Community Resources Focus Group," p. 3.
- [106] Van Vleet, et al., *Minority Overrepresentation in the Utah Juvenile Justice System*, p. 109.
- [107] See recommendations by the Client Committee, p. III-112.
- [108] Woolf, *Interviews with Women of Color in the Legal Profession*, p. 48.



- [109] Woolf, *Report on Interviews with Attorneys and Judges*, p. 92.
- [110] Woolf, et al., *Report on the Public Hearings*, p. 76-78.
- [111] *Ibid.*, p. 80.
- [112] Pre-Adjudication Committee, p. 43.
- [113] *Ibid.*, p. 44-45.
- [114] Client Committee, p. 107.
- [115] See also Pre-Adjudication Committee and Client Committee reports.
- [116] Woolf, et al., *Report on the Public Hearings*, p. 5.
- [117] *Ibid.*, p. 4.
- [118] Woolf, et al., *Report on the Public Hearings*, p. 16.
- [119] Woolf, *Report on Interviews with Attorneys and Judges*, p. 24. The Lopez case concerns “a 1994 Utah Supreme Court decision that rejected the pretext doctrine for determining the reasonableness of a vehicle stop under the 4th amendment. Under this doctrine, if the pretext of a stop is in reality suspicion of a more serious crime, it can be suppressed. The Court found that the doctrine was flawed ... The practical result according to the attorneys was to encourage racially motivated stops based on the most minor of traffic violations.” p. 25.
- [120] *Ibid.*, p. 77.
- [121] Van Vleet, et al., *Minority Overrepresentation in the Utah Juvenile Justice System*, p. 101.
- [122] Social Research Institute. *Law Enforcement Data Collection Proposals*. University of Utah Graduate School of Social Work Social Research Institute, 2000.
- [123] *Ibid.*
- [124] Woolf, et al., *Report on the Public Hearings*, p. 18, 26.
- [125] Van Vleet, et al., *Minority Overrepresentation in the Utah Juvenile Justice System*, p. 102.
- [126] Representation Committee, p. 29. According to 1996 U.S. Census estimates, the percentage of minority population in Carbon, San Juan, Tooele, and Uintah counties is higher than the percentage of minority population of the state as a whole.
- [127] *Ibid.*, p. 14.
- [128] Courts Committee, p. 24.
- [129] *Ibid.*, p. 18.
- [130] Van Vleet, et al., “Pre-Sentencing Process Report,” p. 12-13.

- [I31] Initial Guideline Information, Utah Department of Corrections, October 18, 1999.
- [I32] Van Vleet, et al. "Courts Sentencing Analysis," in *Adult System Research*. University of Utah Graduate School of Social Work Social Research Institute, 1999, p. I.
- [I33] Ibid., p. 3.
- [I34] Ibid., p. 5.
- [I35] Ibid., p. 7.
- [I36] Ibid.
- [I37] Social Research Institute. "Pre-Sentence Investigation Report," in *Research Proposal Outlines for Further Study*. University of Utah Graduate School of Social Work Social Research Institute, 2000.
- [I38] Woolf, et al., *Report on the Public Hearings*, p.18.
- [I39] Ibid., p. 25.
- [I40] Ibid., p. 39.
- [I41] Van Vleet, et al., *Minority Overrepresentation in the Utah Juvenile Justice System*.
- [I42] Ibid., p. 24.
- [I43] Cassell, Paul G. and Smith, Linda F. *Victims Research*. University of Utah College of Law, 2000.
- [I44] Woolf, *Report on Interviews with Attorneys and Judges*, p. 32.
- [I45] Social Research Institute, Law Enforcement Data Collection Proposals.
- [I46] Social Research Institute. "Prosecutorial Discretion," in *Research Proposal Outlines for Further Study*. University of Utah Graduate School of Social Work Social Research Institute, 2000; Social Research Institute. "Public vs. Private Legal Representation Research Outlines," in *Research Proposal Outlines for Further Study*. University of Utah Graduate School of Social Work Social Research Institute, 2000.
- [I47] Van Vleet, Russell K., et al. "Jury Selection Process," in *Adult System Research*. University of Utah Graduate School of Social Work Social Research Institute, 1999.
- [I48] Social Research Institute. "Analysis of Juries: Representation by Race/Ethnicity," in *Research Proposal Outlines for Further Study*. University of Utah Graduate School of Social Work Social Research Institute, 2000.
- [I49] Social Research Institute, *Research Proposal Outlines for Further Study*.
- [I50] Woolf, *Report on Interviews with Attorneys and Judges*, p. 31.
- [I51] Ibid., p. 89.
- [I52] Ibid., p. 21.

[153] Stone, Christopher. "Race, Crime, and the Administration of Justice," *National Institute of Justice Journal*. U.S. Department of Justice: Washington, D.C., 1999, p. 28.

[154] According to the Committee, institutional racism is when people of color do not have equal access to services, when racial insensitive remarks are made without challenge, when people of color lack an effective grievance process, and whenever people of color are treated differently from the majority population.

[155] *The Burdens of Both, the Privileges of Neither* (Joint report of the Multicultural Women Attorneys Network and the American Bar Association), August 1994, at 5.

[156] *Id.* At 6-7

[157] The Utah State Bar has some statistics on gender, ethnicity and race. The statistics are self-designated and done strictly on a voluntary basis, so they are not accurate. However, according to these statistics, including the category of "other," there are about 55 female attorneys of color practicing in the state of Utah. The break down is as follows: four African-Americans, four American-Indians, seven Asian-Americans, zero Pacific Islanders, twelve Hispanics and twenty-eight "other"

[158] *The Burdens of Both, the Privileges of Neither* at 13.

[159] *The Burdens of Both, the Privileges of Neither* at 15.

[160] Katherine S. Magnan, *Stanford Law School Faces Tension Over Issues of Race and Gender*, *The Chronicle of Higher Education*, March 12, 1999, at A12.

[161] *Id.*

[162] Arthur S. Hayes, *Color-Coded Hurdle*, *National Bar Association Magazine*, January/February 1999, at 30.

[163] *Id.*

[164] For this report, the term "women of color" refers to U.S. citizens who are of African-American, Asian-American, Hispanic, Native American, or Pacific Islander descent, as well as immigrants who consider themselves to be racial or ethnic minorities. It should be noted that the women self-define their ethnic identity.

[165] MWAN had three defined goals: 1) to identify issues which multi-cultural women lawyers view as important, 2) explore possible solutions to these issues, and 3) educate the ABA as to its role and responsibilities to address these issues. See *Burdens of Both, Privileges of Neither* at 6.

[166] Round table discussions were held in Atlanta, Georgia; Washington, D.C.; Dallas, Texas; San Antonio, Texas; Atlantic City, New Jersey; and Seattle, Washington. See *Id.* at 7.

[167] *Id.*

[168] *Id.*

[169] *Id.* at 9.

[170] When I called the Commission of Women in the Profession to inquire about MWAN, no one in the office was able to provide concrete answers; nor direct me to someone with more information. I was told most of

the current staff is relatively new and has no experience with MWAN or its research. For more information, contact the Commission on Women at (312) 988-5668.

[171] We recommend that race and ethnicity data be consistent with that used by the 2000 U.S. Census.

[172] We recommend that race and ethnicity data be consistent with that used by the 2000 U.S. Census.

[173] Only these three counties have computerized their citations.

[174] Paper citations are generated in those counties that do not yet have computer capabilities. These citations are located in twelve field offices across the state.

[175] We recommend that race and ethnicity data be consistent with that used by the 2000 U.S. Census.

[176] We recommend that race and ethnicity data be consistent with that used by the 2000 U.S. Census.

[177] This field would allow “yes” and “no” responses.

[178] This field would allow officer to indicate whether the search followed motorist’s consent, vs. whether the officer had the authority to conduct an involuntary search based on evidence.

[179] Two limitations arise from use of the bureau of Criminal Identification (BCI) database. That is, these data are known to be inconsistent across counties and to be affected by software changes such as occurred in Salt Lake City between 993 and 1997. Nevertheless, these data are the best available. Further, in order to replicate Jenson’s study using 1993 data, relative risks of arrest were calculated only for Ogden, Provo, and Salt Lake City. Findings cannot be generalized to other geographical parts of Utah.

[180] In order to replicate Jenson’s study using 1993 data, relative risks of arrest were calculated only for Ogden, Provo, and Salt Lake City. People of color (all persons) including White’s of Hispanic origin were 14.6% of the populations of Ogden, SLC, and Provo in 1990 (Last date of General Census). Findings cannot be generalized to other geographical parts of Utah.



## Utah Task Force on Racial and Ethnic Fairness in the Legal System

Administrative Office of the Courts  
450 South State Street  
Salt Lake City, UT 84114

# Commission Implementation Report



Utah Commission on Racial and Ethnic Fairness  
in the Criminal and Juvenile Justice System

January 2003

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# Commission Implementation Report

Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System

January 2003

“Injustice anywhere is a threat to justice everywhere.”  
- The Reverend Dr. Martin Luther King, Jr.

“Somewhere and somehow these people are never going to be the same. It's very important to us that people question, that they participate and that they are never afraid to have some principle and stand by that principle.”  
-Cesar Chavez

“Counselors at law ought to be apostles of equality. Equality must become a beatitude of personal and professional law.”  
-Kenneth R. Wallentine, Administrative Counsel  
Utah Peace Officer Standards and Training

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To access the Commission Implementation Report in its entirety:

<http://courtlink.utcourts.gov/specproj/retaskforce/index.htm>

*The Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System*

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Sandra M. Kinoshita, *Commission Director, Administrative Office of the Courts*

\* These persons have served on the Commission, have resigned, and have been replaced by others listed.



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in the Criminal and Juvenile Justice System*

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Sandra M. Kinoshita, *Commission Director, Administrative Office of the Courts*

\* These persons have served on the Advisory Council, have resigned, and have been replaced during the open enrollment period designated in the *Ground Rules*.

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## ***FORWARD by Chair Michael D. Zimmerman***

When the Task Force on Racial and Ethnic Fairness in the Legal System was given the go-ahead by the Utah Judicial Council in 1996, I agreed to chair the effort, with much of the day-to-day responsibility in the hands of Judge Tyrone Medley of the Third District Court, and John T. Nielsen, former Commissioner of Public Safety for the State of Utah. At that point, I had little idea of how challenging the project would be. We knew going in that racial and ethnic minorities are over-represented at every stage of the Utah criminal and juvenile justice system, and that the farther along the system one goes, from the first encounter with the police all the way through parole from prison, that over-representation increases. The aim of the Task Force was to determine whether that over-representation was in whole or in part a product of bias. That determination remained elusive throughout the process.

The Task Force was composed of some thirty members, with over one hundred others participating through committees. The membership of the Task Force and the committees was diverse in terms of racial and ethnic makeup, and in terms of employment within and without the justice system. We all learned quickly what some probably knew from the start – that issues of racial and ethnic fairness are among the hardest topics one can address in America. Almost everyone has a view, those views can be quite diverse and quite nuanced, and because the topic is so sensitive, few of us have spent much time talking about it with persons of different racial and ethnic backgrounds. But that quickly changed as we got under way, for we had to talk, and talk candidly with each other about these views. After more than four years of work, the Task Force members probably still held divergent views on the racial and ethnic fairness of the justice system in Utah. Some still saw the over-representation of minorities in the system as a result of conscious bias; others, as a result of unconscious bias; while for yet others, it is a consequence of socio-economic factors alone. But I suspect that each of us came away with a more subtle understanding of the problem than we had before, and were far more conscious of our own biases, no matter how well concealed.

On a concrete level, the members of the Task Force were able to come together to unanimously approve over one hundred recommendations for enhancing Utah's justice system in ways that would go a long way toward ensuring that it had the capacity for dealing fairly with all citizens, regardless of their racial or ethnic differences. Whatever their individual views, the members shared the understanding that fairness is a basic premise of the justice system. The goal is a fair process that produces a fair result, a system that treats similarly situated people similarly, and one that does not distinguish among persons because of irrelevant factors, such as race or ethnicity. That shared vision underlies all the recommendations of the Task Force. Most of those recommendations do not make any assumption about the existence of intentional discrimination. Rather, they are based on the premise that conscious awareness of the potential problem of bias is the best prophylactic against it.

One of the truly encouraging experiences of the Task Force process was to see the degree to which the people in charge of Utah's justice system were largely constructive and willing to participate in the open and honest dialogue necessary to address the problems associated with

racial and ethnic bias. Initial resistance to suggestions gave way to a willingness to be innovative and to change the way things were done. And in some cases, those running the system displayed real initiative in rooting out ways in which the system operated unconsciously to disadvantage members of racial, ethnic, and linguistic minorities. This willingness to address the problem bodes well for the future.

The Task Force's final report acknowledged that the job of ensuring racial and ethnic fairness in the justice system, like the task of ensuring it in the larger society, is never done. It requires ongoing, conscious effort by all players in the system, including the minority communities. To that end, the Task Force made one of its prime recommendations the establishment of a commission composed of members of the minority communities and representatives of the justice system agencies. That commission's task would be to follow up on the recommendations of the Task Force, to report to the public on their implementation, and to suggest changes in the recommendations and new approaches to the problems of bias as they revealed themselves. The Commission was organized following the issuance of the final Task Force report. The Commission report which you read today is the first of the follow-up reports envisioned by the Task Force. If the progress of the Task Force is not to be lost, it will not be the last such report.

Like the Task Force, the Commission's membership reflects a diverse racial and ethnic composition, and includes representatives of affected communities and justice agencies. Like the Task Force, it has taken some time to gain its footing and assume ownership of its role. But with this publication, it is under way. Some of us who served on the Task Force assisted the Commission in getting established and in coming to understand the history and methods of the Task Force. We will be soon stepping aside and turning the leadership of the Commission over to newer members. Judge Medley, John T. Nielsen, and I will be leaving the Operations Committee. It is my firm belief that turnover in leadership is a positive good. Fresh eyes bring a fresh perspective, and our replacements are more than qualified to take over. I expect to see them continue to pursue vigorous implementation of the Task Force recommendations, and to look for new and creative ways to achieve the objective of a justice system that is fair to all, regardless of race or ethnicity.

Personally, I want to thank all those with whom I have had the privilege of working on these issues, including all the members of the Task Force and the Commission who were willing to participate in what was at times a bruising process. Not the least of those who deserve thanks are Sandra Kinoshita, our present Director, and Jennifer Yim, the Director of the Task Force. They have been great diplomats, and good taskmasters. Judge Medley and John T., two old friends with quite different backgrounds and perspectives, have worked smoothly to bring all the necessary players to the table and make all of them feel as comfortable as people ever can be with this topic.

As for myself, it has been a humbling privilege to participate in the Task Force process, and now in the establishment of the Commission. I will say now as I have said before, that this is the most difficult topic with which I have dealt. It is one that is never "solved", and bias is

something from which not very many of us are exempt at some level. The tendency to see differences between us based upon any number of characteristics, not the least of which are race and ethnicity, seems inherent to humans. It is a short step from seeing differences to giving them supposed significance, even subconsciously, and then acting on them. The legal system has a high aspiration: to treat people as equals based only on relevant behavioral characteristics. Our natural tendency to see distinctions among us based on other factors and to act on them is contrary to this aspiration. It is a tendency with which no one is comfortable, of which no one wants to be reminded, and upon which no one wants to be accused of acting. Yet we must be constantly on watch for that tendency, lest it subvert our higher purpose. Maintaining this vigilant watch is a task that must be done sensitively, but it is essential. Unless we address this tendency on a daily basis, a justice system can soon come to be undeserving of its name. I trust that the difficult task the Commission has undertaken will continue to receive necessary support from the dedicated professionals within the justice agencies, from the minority and majority communities, and from those who have the ability to ensure its continued financial viability.

Michael D. Zimmerman

## ***FORWARD by Judge Tyrone E. Medley, Co-Chair***

Approximately six years ago the Utah Judicial Council commissioned the Task Force on Racial and Ethnic Fairness to examine issues of fairness within Utah's criminal and juvenile justice systems. The judiciary and the Judicial Council sit at the head of the table of Utah's criminal and juvenile justice systems. In our democratic society, the judiciary represents the spirit and reality of fairness and justice. The Judicial Council's leadership from the beginning has been and will continue to be an indispensable essential element for success of the Task Force and Commission's implementation efforts. The judiciary's leadership demonstrates the importance of these issues and the judiciary's commitment to fundamental fairness.

The Task Force's efforts culminated two years ago with the release and publication of Racial and Ethnic Fairness: Report on the State of the Criminal and Juvenile Justice System. This report was an enormous collaborative effort resulting in multiple unanimous policy and procedural recommendations designed to improve the criminal and juvenile justice system's ability to deliver fundamental fairness and to prepare the criminal justice agencies for the inevitable challenges which lie ahead to better meet the current and future needs of all of the citizens of the state of Utah with its ever-changing complexion and diversity.

The Task Force Report included a proposal for creating a Commission to monitor, evaluate and assist in the implementation of the Task Force recommendations. The Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System held its first official meeting in September 2001. The Commission's first year has been largely transitional in nature, focusing on the establishment of goals and priorities, mission statements, new leadership and organizing a 48-member Community Advisory Council to the Commission. Consequently, the Commission's first annual report relies substantially upon the self-reporting of the criminal justice agencies' progress to date as to implementation of the Task Force recommendations. Future Commission annual reports must and should independently assess and critically evaluate criminal justice agency implementation efforts.

Implementation is a critical stage of this project. Implementation of the Task Force recommendations can accomplish institutional change, accountability, encourage community participation, community empowerment and responsibility. The implementation phase in all likelihood will be a long-term process, there are no overnight quick fixes and it will take time to build bridges, coalitions, and create and maintain a climate for progressive change.

I am very optimistic about the future success of this project as the implementation phase moves forward. The leaders of the various criminal justice agencies have placed a high priority on implementing the Task Force recommendations. These same leaders, to their credit, remain at the table, in good faith, with lines of communication open and with a strong commitment to ensuring fairness in the criminal and juvenile justice system.

It must be clearly stated, however, that studies are meaningless without action. It has been a long road traveled to get this project to where it is today, yet at the same time the most important part of the journey lies ahead. Generally speaking, in our community today, the level of denial and ignorance around bias issues remains high and can be exacerbated when Commissions move into the implementation phase. No one, however, should question the importance of ensuring that our criminal and juvenile justice systems, including the courts, truly function as fair, neutral and just. The work of the Commission may not always be comfortable for some, but in the end the work will help ensure that the criminal and juvenile justice system is actually and perceived to be fair to all of the people of the state of Utah. Through the Task Force's efforts and recommendations, we as a criminal justice system have established that we can talk the talk. Through the Commission's and criminal justice agency's implementation efforts we as a criminal justice system have an opportunity to prove that we can also walk the walk. From what I've seen to date, I am encouraged to believe we can. The alternative should be unacceptable to everyone.



## ***FORWARD by John T. Nielsen, Co-Chair***

Much has happened since the beginning of the Task Force on Racial and Ethnic Fairness in the Legal System. We have previously published a Task Force Report outlining our findings and expectations in order to insure fairness to all who come before the courts or are otherwise affected in any way by the criminal justice system of this state. We were justly proud of this effort and believe that, through the input of hundreds of individuals, we have initiated processes, policies and strategies to accomplish the broad goals of the Task Force.

We have now moved into an equally important phase of this project, that of implementation. It will be the purpose of this report to account to the citizens of the State of Utah as to what has been accomplished in the two years since the culmination of the Task Force's work and the publication of the report.

We are pleased to report that, in our judgement, much has been accomplished. Various components of the Criminal Justice System have taken the recommendations of the initial report seriously and have systematically reported back to the Commission their efforts and accomplishments. However, I believe it is fair to suggest that there remains much to be done. Most assuredly continued vigilance by these criminal justice agencies is important to assure the expected accountability to the citizens of the state. Indeed, the purpose of the implementation effort is to make certain that hard work accomplished in the years the first task force was active does not go unfulfilled. It will be the continuing task of the Commission to make certain that the appropriate level of accountability is maintained and reported.

As a founding co-chair and as my tenure of the initial effort winds down, I would express to all who read this report my continued commitment to fairness in the criminal justice system and my personal vigilance to make certain that the goals and commitments previously made are fulfilled.

## **EXECUTIVE SUMMARY**

The Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System was formed in September 2001 as a central oversight body for implementation of the recommendations from the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System. The Task Force had developed partnerships between agencies and the community. These bridges became the basis to form a commission that would continue the effort to improve justice for all people. Membership of the Commission included a transition team from the Task Force, judges, law enforcement officials, prosecution and defense attorneys, juvenile and adult corrections officials and elected representatives from the ethnic communities.

The mission statement of the Commission was developed by members through an involved process of consensus building. The diverse perspectives of the members required considerable discussion before the following mission statement was finalized in July 2002.

*The Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System is collectively committed to promoting research, legislation and policies that strive to:*

1. *achieve equality and justice for all people,*
2. *encourage implementation of equitable practices, and*
3. *institutionalize accountability*

*within the Utah Criminal Justice System. The Commission will provide leadership by coordinating communication processes and partnerships within and between the public and private sectors. The Commission will also serve as a forum for examining progress, evaluating results, and providing public reports.*

### **Implementation of Change**

At the Commission Orientation meeting held October 1, 2001, Commission members convened as representatives of their respective agencies and communities. The members individually resolved to facilitate and provide access to relevant data sources and personnel to track implementation efforts, conduct research and support other activities deemed necessary to further the Commission's mission, and to contribute to the Commission's annual report on agency and system-wide implementation efforts. This first annual Commission Implementation Report is an individual agency self-report and does not include evaluation by either the agency or the Commission as to the effectiveness of the implementation. Statements about the progress are the conclusions of the agencies. Due to the nature of the organization of some agencies, progress reports may be uneven and inconsistent. Although the mission statement does include examining progress and evaluating results, this portion of the mission statement will be addressed in subsequent reports.

## Agency Implementation

This year has been a transition period for the Commission. Each member agency has hosted a Commission meeting at the agency site, where applicable, to report progress on each of the eight Task Force recommendation areas: Recruiting and hiring to ensure a skilled diverse workforce; the Training in each segment of the criminal and juvenile justice system to achieve cultural competency; providing quality Interpreting to those with limited English proficiency; Community Resources/Outreach to ensure racial and ethnic fairness in representation within the criminal and juvenile justice system; the availability of user-friendly Complaint Processes allowing individuals to file complaints in a non-intimidating environment; Administration efforts to ensure non-tolerance of racial and ethnic bias or discrimination in agencies; collection of race and ethnicity Data to be used solely for the purpose of system-wide research; and Research for full understanding of the existence or extent of racial and ethnic bias.

### Workforce: Recruiting/Hiring

The need for workforce diversity in all areas of the legal system was an issue raised. Inherent in the recommendation was the need to not only hire, but actively recruit from the minority communities in order for agencies to be responsive to cultural and language needs. Agencies reported that actions have been taken in this area and recruitment procedures have been established or are in progress.

### Training

A cultural competency training curriculum was developed and made available to the agencies for training purposes. Agencies have either used the program or developed their own. The training of current employees is reported to have been completed or in progress by most of the agencies, but have been limited in some instances due to budgetary constraints. Newly-hired employees are required to take the competency training as part of the training for their positions.

### Interpreting

The legal system addressed the need for quality interpreting services in agencies that are in direct contact with individuals who enter the system. Efforts have been affected by the limited availability of qualified individuals, budgetary constraints, and the resources to train individuals in a second language.

### Community Resources/Outreach

Recommendations for building partnerships with Community Resources and Outreach through the State Office of Education, the Judicial Council's Public Outreach Committee, the Minority Bar Association, the Utah State Bar and communities of color are an ongoing activity. Agencies have reported a variety of actions taken to improve their outreach programs and continue to work with the community directly and with community organizations.

### Complaint Processes

Concerns raised by the public for adequate and user-friendly complaint processes underscored a need for a written complaint review process. Law enforcement agencies, specifically the Chiefs, the Sheriffs and POST, report the existence of procedures at agency levels. However, these processes are not system-wide. The establishment of formal processes by county and citizen review boards are in progress.

#### Administration

Many of the Task Force recommendations require policy changes and management decisions to affect change. These changes are administrative and require budgetary and jurisdiction capabilities. Implementation activities are reported to be in progress.

#### Data

The need for consistent race and ethnicity data throughout the criminal and juvenile justice system became apparent in the effort to determine racial and ethnic fairness in the judicial system. Efforts to collect the data for purposes of statistical information, with necessary precautions to ensure appropriate use, must be maintained. The implementation of procedures to collect and track data are not consistent throughout the system, but most agencies have reported initial progress. The Racial Profiling law is expected to provide additional data.

#### Research

Research to obtain a full understanding of the existence or extent of racial and ethnic bias is an ongoing process. The Utah Commission on Criminal and Juvenile Justice has reported the completion of research concerning the alleged practice of the stacking of charges to determine whether minorities receive more charges than non-minorities. The study results have been delivered to the Juvenile Disproportionate Minority Confinement Committee and the Commission's Research Subcommittee. Other research topics either are in progress or have yet to be implemented.

For detailed information from each of the agencies, please **see *Agency Progress at a Glance* and the *Appendices***.

### **Systemic Implementation**

The Commission, in recognition of the need for ethnic data collection, participated in the successful enactment of HB 101, Racial Profiling bill during the 2002 General Legislative Session. The bill was important to enhance the ability of agencies to gather data solely for the purposes of research. The Commission officially supported the concept of the bill as initially presented to the Commission. Members attended legislative hearings, sent letters of support, and met with key legislators to assist in the passage of the bill.

Support was also extended to a diversity pledge set forth by the Utah Minority Bar Association in conjunction with the law schools at the University of Utah and Brigham Young University.

The pledge recognizes the need for greater participation of minority attorneys and individuals in the legal system and encourages Utah law firms to diversify their workforce.

### **2003 Commission Subcommittees**

The Commission recognizes the dynamic nature of the complexities of working to achieve racial and ethnic fairness. This requires a continual reexamination of the implementation process. Therefore, the Commission formed five Subcommittees to provide a deliberate and focused attention to specific collective goals. These subcommittees are: Community Involvement; Complaint Processes; Indigent Defense; Outreach/Employment and Recruitment; and Research.

Each of the Subcommittees articulated a mission/focus and action plan for the coming year and identified at least three priority areas for the consideration of the Commission. From the submitted priorities, the Commission identified four priorities to be the focus of the Commission's work for 2003. The priorities address issues concerning the new Racial Profiling law, communication between the community and the Commission, minority recruitment, and formalizing complaint processes:

1. Collect and analyze data in response to the new Utah law on racial profiling. This priority includes education about the purpose of the law and about data limitations.
2. Develop strategic plans/goals to bridge, facilitate tensions, and integrate communication processes and information exchange between the Commission, Advisory Council, and community.
3. Strengthen and expand the pool of applicants of color.
4. Review current complaint processes, develop a standardized complaint form, and establish a complaint notification process to the Commission.

For complete information concerning the subcommittees and their individual priorities for 2003, please see **2003 Commission Priorities and Subcommittee Plans**.

### **2003 Commission Leadership**

In September 2002, the Commission approved its leadership slate for the new year to be effective January 1, 2003. Judge William Thorne was selected as Chair, and Sid Groll, Keith Hamilton and Leticia Medina will serve as Co-chairs. The Operations Committee was also enlarged to include a representative from each of the Subcommittees established at the July Retreat. The Commission will continue to report progress annually through the publication of an annual report.

## **Citizen Advisory Council to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System**

The Operations Committee, recognizing the need to include members of the various ethnic communities and the community-at-large, formed an Advisory Council of community volunteers. With referral assistance from the State Offices of Ethnic Affairs in July 2001, nearly five hundred invitations were sent statewide to community leaders and ethnic organizations. These requests for nominations and volunteers began the formation of the Citizen Advisory Council to assist in the oversight of the implementation process. Task Force members were also sought for participation. On August 27, 2001, fifty volunteers were invited to an Orientation Meeting and to formally organize the Advisory Council to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System. The membership then elected seven of their peers representing the Hispanic/Latino, African American, American Indian, Asian American, Pacific Islander and community-at-large to serve on the Commission and as liaisons between the Commission and the Advisory Council.

The Advisory Council will provide an avenue for creating and maintaining dialogue between the Commission and communities through citizen participation in monitoring the progress of institutional change throughout the system. The Council will also provide a forum to bring to the Commission information about the realities of the experiences of the various ethnic communities with the justice system and promote an exchange of dialogue to enable better understanding of the justice system in the larger community.

During the introductory year of the Advisory Council, meetings consisted of Commission reports, legislative updates when applicable, and Council business. Advisory Council members served an active advisory role and provided communication between the system agencies and Utah's racial and ethnic communities. Commission members and leaders throughout the Utah legal system also provided education and resources at each meeting. During the year, the Council identified areas important for ethnic community involvement.

The Ground Rules Subcommittee created the rules of governance for the group. Approved by the Advisory Council in January 2002, the Ground Rules address membership, attendance, roles and responsibilities, voting, and leadership issues.

The Judicial Composition Subcommittee examined the racial and ethnic composition of the judiciary and the Judicial Nominating Commissions throughout the state. Collaborating with the Hispanic Advisory Council and the Utah Minority Bar Association, the Subcommittee conducted a regional campaign to encourage and assist advocates of color to apply for openings on Judicial Nominating Commissions. Members also met with the governor to express concerns and provided testimony at the Judicial Nominating Commission meeting during a judicial vacancy.

On November 5, 2002, the Advisory Council elected its leadership for 2002 - 2004. The Executive Committee consists of Chair Mary Daniels, Vice-Chair Larry Houston, Secretary Jah-

Juin Ho, and At-Large members Jan Saeed and Deidre Tyler. Commission ties will continue through the seven members elected at the beginning of the year.

## **Conclusion**

The Commission on Racial and Ethnic Fairness in the Legal System recognizes that just as the issues surrounding ethnic and legal fairness are not static, working to achieve racial and ethnic fairness is an ongoing process that brings new issues and complexities. In the process of implementing Task Force recommendations, the Commission found that other issues naturally arose which required further attention. Some recommendations were deemed not plausible as written or other alternatives were found to be more appropriate and effective.

Complete and detailed information about the Commission, including its mission statement, membership, links to Agency web pages, and access to Commission meeting minutes are available on the internet. In addition, the full Commission Implementation Report can be found in its entirety at the Commission world wide web site:

**<http://courtlink.utcourts.gov/specproj/retaskforce>**

## **INTRODUCTION**

It has been two years since the culmination of the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System and the publication of *Racial and Ethnic Fairness: Report on the State of the Criminal and Juvenile Justice System*. Through testimonies at Public Hearings, Task Force and Subcommittee meetings, and collaborative dialogues with key individuals, literally hundreds of Utahns participated in the examination process. Multiple recommendations at the policy and procedural level were unanimously endorsed by the Task Force. The implementation phase officially began in September 2001, with the inaugural meeting of the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System. However, many legal system agencies began implementation prior to the release of the Task Force report. The efforts continue today with a firm commitment for the future.

We are particularly proud of our efforts because they represent and are supported by a multiplicity of voices. Both the Task Force and now the Commission exemplify the partnership between the legal system agencies and the residents of our state. It is our sincere intent that we continue to work together within the entire legal system to enact and institutionalize equitable change. Racial and ethnic fairness are not issues to be addressed by a select few. Rather, they require the commitment of all individuals who value justice. We are all stakeholders and benefactors of systemic fairness.

This Annual Report documents the work and accomplishments of the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System. It tracks the implementation of the Task Force recommendations and suggests new directions to increase access and fairness. To understand where we are today, a brief history will offer context and affirmation of the five-year foundation on which the Commission stands.

## ***HISTORY***

### **The Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System<sup>1</sup>**

On March 6, 1996, the Task Force was convened by the Utah Judicial Council to examine issues of racial and ethnic fairness within Utah's criminal and juvenile justice systems. The Task Force consisted of both those who administer justice and members of Utah's ethnic communities. Chaired by then Chief Justice Michael D. Zimmerman, the Task Force's daily operational management was directed by co-chairs Third District Court Judge Tyrone E. Medley and John T. Nielsen, senior counsel to Intermountain Health Care and chair of the Utah Sentencing Commission. Ms. Jennifer M. J. Yim served as Executive Director of the Task Force. The

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<sup>1</sup> Taken from Racial and Ethnic Fairness: Report on the State of the Criminal and Juvenile Justice System, September 2000



membership included community leaders, judges, law enforcement officials, prosecution and defense attorneys, adult and juvenile corrections officials.

The Task Force focused full attention on the need to assure racial and ethnic fairness throughout the Utah justice system. The membership unanimously agreed that bias cannot exist if justice and fairness are to be served. The Task Force embarked upon twenty research and needs assessment projects. It further conducted twenty-two statewide Public Hearings to gather testimony on the public experience with the legal system. Critical partnerships were established among the Task Force members, through agency collaborations, and with the community. These alliances are pivotal to the future efforts to ensure racial and ethnic fairness.

The diverse backgrounds and perspectives of Task Force members led to considerable differences of opinion. Much focus was given to whether racial and ethnic bias exists within our criminal justice system, and the role any such bias play in producing what is an obvious disproportionate number of people of color in the system. Extensive resources were devoted to research projects and a needs assessment, the differentiation between the perception and the reality of bias, and the constraints imposed on bias research by the lack of useful data. After more than four years of ways of research and analyses, the Task Force culminated with its final report and recommendations to increase racial and ethnic fairness throughout the system. The Task Force championed nearly one hundred recommendations, and developed partnerships between justice agencies and the community to enable and sustain their implementation.

Chief among the Task Force recommendations was the creation of a standing commission comprised of representatives of justice agencies and members of the affected communities to follow up and report on the progress of implementation of the Task Force's detailed recommendations. Without this follow up, the years of work would have been wasted, hence, the formation of the Commission.

### **Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System**

On September 7, 2001, the inaugural meeting of the Commission marked the official start of the implementation of the Task Force recommendations. Although many agencies had already begun to incorporate changes, this was the beginning of the collective efforts of the Commission. Chaired by former Chief Justice Michael D. Zimmerman, the Commission was again co-chaired by Third District Court Judge Tyrone E. Medley and John T. Nielsen, senior counsel to Intermountain Health Care and chair of the Utah Sentencing Commission. Ms. Sandra M. Kinoshita served as Executive Director of the Commission, while the Task Force Operations Committee and leadership continued in the same capacity for the inaugural year of the Commission. This "Transition Team" provided the history and consistency with the Task Force, while the membership was also infused with new members and new substantive ideas. The membership was chosen for their commitment and ability to incorporate change and institutionalize fairness in the criminal and juvenile justice system.

The Commission is intended to be an independent body comprising representatives from the implementing entities. Membership includes leaders from justice system agencies and community-based organizations, many who also served on the initial Task Force. Although each agency is responsible for their own implementation of Task Force recommendations, the Commission will publish an Annual Report of its progress and make modifications in the recommendations. In three to five years, the Commission will further evaluate its effectiveness and the viability of community ownership of the implementation process.

This first year of the Commission served as a transitional period to establish a foundation for the implementation process. Commission agencies and organizations presented reports on their implementation progress at monthly meetings while also educating members about their roles and responsibilities within the system. Although the highest priority is placed upon implementing Task Force recommendations, the Commission also worked collectively on projects to increase racial and ethnic fairness in the legal system. Continuing the Task Force's commitment to community collaboration and input, the Commission formed a citizen Advisory Council to partner in the systemic change efforts.

### **Advisory Council to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System**

With referral assistance from the State Ethnic Offices, nearly five hundred invitations were sent statewide in July 2001. These letters were delivered to community leaders and ethnic organizations as a call for nominations and membership on a citizen advisory council to assist in the implementation of racial and ethnic fairness initiatives in the legal system. In addition, some Task Force members volunteered to participate on the council, eager to ensure that the work of the Task Force be actualized. The Advisory Council works together with the Commission, providing a critical role in the eventual transition from governmental possession to public ownership.

The purpose of the Advisory Council is to provide communication between the community and the Commission. The Advisory Council actively advises the Commission and its members on Task Force recommendation implementation and related efforts. Furthermore, subcommittees are formed to address timely and pertinent issues including judiciary demographics, system education, testimonials to government-appointed committees, and the self-governance of the Council.

On August 27, 2001, the Advisory Council to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System held its Orientation Meeting for the forty-eight volunteer members. Within days, the membership elected seven of their peers to serve as Commission members. Five of these Commission seats are race-specific, while the other two designees represent the community at-large.

## ***RECOMMENDATIONS***

The implementation of Task Force recommendations remains a priority for all Commission agencies. Upon joining the Commission, members sign a resolution to implement the recommendations to influence institutional change at the policy and procedural levels. All of the Task Force recommendations were authored and endorsed by representatives throughout the legal system and community. Although they are not a checklist for cultural competency, the recommendations represent the voices of hundreds of Utahns, system agencies, and four years of intensive examination. The Commission has accepted the responsibility to implement these changes and will be held accountable for progress through Annual Reports.

Task Force Recommendations fall into eight categories: Workforce: Recruiting/Hiring, Training, Interpreting, Community Resources/Outreach, Complaint Processes, Administration, Data, and Research. Most recommendations are directed to specific agencies, while a few are intended for system-wide implementation. It is the responsibility of each agency to implement their specific recommendations.

Task Force recommendations are conceptually clear in their intent. However, legal system agencies are encouraged to make necessary adjustments to the process of accomplishing each action item. For instance, agencies should ensure that the process is applicable to their clientele, maximizes usefulness and efficiency within the organization, and creatively challenges the realistic confines of their resources. If a recommendation cannot be immediately implemented in full, agencies are asked to do so incrementally. Detailed accounts of agency efforts are available in the appendices of this Annual Report.

As a central oversight body for implementation, Commission members are able to see mutual needs, initiate collaborative efforts, and track the progress of institutional change throughout the system. Monitoring implementation offers a sense of accomplishment, accountability, and serves as a form of checks and balances. We are aware that Task Force recommendations are not a checklist for cultural competency. Rather, we live in a dynamic world of changing needs and expectations that requires us to evolve as new challenges arise, and as weaknesses in our current practices are revealed. Upon joining the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System, each member committed to the implementation of Task Force recommendations and the continued improvement of our justice system for all people.

## ***2002 Annual Report***

The Commission is pleased to present this first annual report. A limited number of Executive

Copies have been printed for distribution. The Executive Copy contains only a portion of the full report. Please refer to the internet for the 2001-2002 Commission Implementation Report in its entirety. The world wide web address is:

**<http://courtlink.utcourts.gov/specproj/retaskforce/index.htm>**

For additional background information, you can access the Task Force Final Report, implementation information, and supporting research at this same internet site.

## **2003 Commission Priorities and Subcommittee Plans**

The Commission on Racial and Ethnic Fairness in the Legal System recognizes that just as the issues surrounding ethnic and legal fairness are not static, working to achieve racial and ethnic fairness is an ongoing process that brings with it new issues and complexities. In the process of implementing Task Force recommendations, the Commission found that other issues naturally arose which required further attention. Some recommendations were deemed unworkable as written or other alternatives were found to be more appropriate and effective.

To better address implementation, the Commission formed five Subcommittees to aid its ability to provide deliberate and focused attention in specific areas that would support its collective goals. The Subcommittees are Community Involvement, Complaint Processes, Indigent Defense, Outreach/Employment and Recruitment, and Research.

Each of the Subcommittees articulated a mission/focus and action plan for the coming year (see individual reports). Each subcommittee also identified at least three priority areas that were brought to the Commission for consideration. At the Commission's October 2002 meeting, members voted on four priorities that will be the focus of the Commission's work for the 2003 calendar year.

### ***Commission Priorities***

1. Collect and analyze data in response to the new Utah law on racial profiling. This priority includes education about the purpose of the law and about data limitations.
2. Develop strategic plans/goals to bridge, facilitate tensions, and integrate communication processes and information exchange between the Commission, Advisory Council, and community.
3. Strengthen and expand the pool of applicants of color.
4. Review current complaint processes, develop a standardized complaint form, and establish a complaint notification process to the Commission.

Prioritizing the Commission's collective efforts will allow for the maximum benefit of collaboration. Influence and expertise are shared, while energies and resources are focused. The action plans to achieve these goals are generally outlined in the following subcommittee reports. Additionally, the Commission will continue to develop steps to accomplish each priority in a meaningful and efficient manner.

### ***Subcommittee Plans***

## **Community Involvement Subcommittee**

### **Mission/Focus**

The Community Involvement Subcommittee's goal is to devise a framework to improve communication processes between and among the Commission, the Advisory Council, and the community. The intention is to stimulate both the justice agencies and members of the community to take actions that will heighten awareness of issues of racial and ethnic bias in the criminal and juvenile justice system and present measures/steps that can be taken by the agencies and the community to address conditions of inequality in the Utah judicial system.

### **Membership**

Carolina Rosas Webber (Chair), *Doctoral Student/Teaching Fellow, University of Utah*

Brent Johnson, *General Counsel, Utah Administrative Office of the Courts*

Dan Maldonado, *Deputy Director, Utah Division of Youth Corrections*

Haruko Moriyasu, *Director, Asian Pacific American Studies, University of Utah*

Joe Tafua, *President, Southern Utah Polynesian Association (SUPA)*

Michael D. Zimmerman, *Former State Supreme Court Justice and Attorney, Snell and Wilmer*

### **Current Activities**

The subcommittee will target local community leaders to assist in coordinating town meetings, as well as refine strategic plans to work with the general public at large. The subcommittee will also develop strategic plans to bridge, facilitate tensions, and integrate communication processes and/or information exchange between the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System and the Advisory Council. By targeting key issues that emerged during the Task Force Public Hearings, the subcommittee will develop platforms for discussion.

### **Plans for 2003**

The long-term goals for 2003 - 2004 include the coordination of town meetings which will mirror the Public Hearings conducted by the Task Force. Targeting community councils, chambers of commerce, private and public organizations to discuss the cost of crime is another priority.

## **Complaint Process Subcommittee**

### **Mission/Focus**

The focus of the Complaint Process Subcommittee is to gather information to track and facilitate criminal justice complaints of racial and ethnic bias.

### **Membership**

Leticia Medina (Chair), *Director, State Office of Hispanic Affairs*

Kal Farr, *Executive Director, Utah Chiefs of Police Association*

Sid Groll, *Director, Utah Peace Officer Standards & Training*

Keith Hamilton, *Board Member, Utah Board of Pardons and Parole*  
 Honorable Tyrone Medley, *Third District Court*  
 Joan Smith, *Executive Director, National Conference for Community and Justice*

### **Current Activities**

The purpose of this subcommittee is to provide a clearinghouse for complaints of racial and ethnic bias from the community. Complaints will be reviewed and relayed to the appropriate agency for response. The subcommittee will track complaints to assess trends.

### **Plans for 2003**

The Complaint Process Subcommittee will develop a standardized complaint form, with the intent of developing a triplicate form that will aid the tracking process. They will also review the complaint process of criminal justice agencies to increase the public awareness of current practices. The subcommittee will then establish a complaint notification process to the Commission in efforts to increase awareness of trends in criminal justice complaints.

### **Indigent Defense Subcommittee**

#### **Mission/Focus**

Indigent defense is a political issue that varies severely by ownership, financial resources, and location throughout the state. The focus of this subcommittee is to serve as a vehicle to heighten awareness of indigent defense issues, needs, and the process from a client perspective. Advocacy and education will target ethnic communities, the public at large, attorneys, and policy makers.

#### **Membership**

Anthony Smith (Chair), *Health/Behavioral Health Director, Indian Walk-In Center*  
 David Biggs, *Assistant Director, Salt Lake Legal Defender Association*  
 Paul Boyden, *Executive Director, Statewide Association of Public Attorneys*

### **Current Activities**

The subcommittee is conducting a limited and informal needs assessment of attorneys and agencies. The Native American population has been identified as the first ethnic community to be assessed.

### **Plans for 2003**

Plans for 2003 involve investigating the state funding of public defenders offices outside of the Wasatch Front. The subcommittee will continue to informally research and collect data to determine the extent of the issue. Further intentions include working with the Outreach Subcommittee to recruit more people of color to work within the criminal justice system and conducting community outreach and education.

## **Outreach/Employment and Recruitment Subcommittee**

### **Mission/Focus**

The focus of this subcommittee is to pro-actively take steps to increase the employment of minorities in all law enforcement and justice related occupations. This will involve identifying existing barriers to both recruitment and employment and then developing specific strategies for overcoming such barriers.

### **Membership**

Dan Becker (Chair), *State Court Administrator, Administrative Office of the Courts*

Mike Chabries, *Executive Director, Utah Department of Corrections*

Robert Flowers, *Commissioner, Utah Department of Public Safety*

Sheriff Brad Slater, *President, Utah Sheriffs Association*

Honorable William Thorne, *Utah Court of Appeals*

### **Current Activities**

The subcommittee has decided to use focus group sessions in order to better understand what barriers exist to recruitment and employment and solicit suggestions for improving minority employment. The following groups have been identified as target groups and focus group sessions will be scheduled for each: 1) police/corrections/pardons and parole; 2) courts and youth corrections; and, 3) attorneys.

The first focus group session was held on August 28, with six law enforcement officers and each of the subcommittee members participating. Information received from that session was discussed at the subcommittee meeting on September 25.

### **Plans for 2003**

Plans for 2003 involve the completion of the focus group sessions for each of the three above groups and developing strategies around the most promising approaches for improving recruitment and employment. It is anticipated that these approaches will involve working with both law enforcement and justice system employers, schools, and communities in a variety of outreach initiatives. The subcommittee will also review the extent to which the original task force recommendations concerning recruitment and employment have been addressed by individual agencies and what employment data reveals about what progress is being made.

The focus group sessions should be completed and strategies developed by the end of the first quarter of the year. Outreach strategies will be pursued through the course of the year.

## **Research Subcommittee**



### **Mission/Focus**

The focus of the Research Subcommittee is to honestly examine the issue of racial and ethnic fairness in the legal system through reviews of research studies and surveys that are scientifically-based and are conducted through recognized research methodology. Based on this review, the subcommittee may propose that the Commission generate a response, conduct further research, or let the study stand as completed.

### **Membership**

Susan Burke (Chair), *Director, Utah Substance Abuse and Anti-Violence Coordinating Council*

John Adams, *President, Utah State Bar*

Edward McConkie, *Executive Director, Utah Commission on Criminal and Juvenile Justice*

Dr. Deidre Tyler, *Associate Professor, Salt Lake Community College*

### **Current Activities**

The Committee is currently in the process of completing an overview of the status of research-related recommendations contained in the report by the Task Force on Racial and Ethnic Fairness in the Legal System. The overview will identify if the study was completed, is in progress or is not feasible. If the study was completed, an overview of the findings will be listed. If the study is in progress, a target completion date will be identified. If the study is not feasible, the committee will explain the problems related to the study and, if appropriate, make suggestions for how the study can be modified.

### **Plans for 2003**

The Research Subcommittee identified the top three priority concerns for the Research Committee. Collecting and analyzing data in order to respond to new Utah law on law enforcement racial profiling has been given highest priority. Next, the subcommittee intends to track the specific reasons why sentencing judges and pre-sentencing recommendations depart from both adult and juvenile sentencing guidelines. Finally, the subcommittee will identify a process for how the findings from completed research studies are utilized and shared with agencies and the general public.

In addition, the subcommittee is considering new research areas. One such area is the correlation between case loads and plea negotiations. This would include a distinction between those with public attorneys and those with private attorneys to determine if this is primarily a socio-economic issue or a racial discrimination issue. Another example is an examination of the percentage of minorities that plead guilty to the original charge due to cultural values that dictate individuals accept responsibility for their actions rather than negotiate for a better outcome.

## **PROGRESS AT A GLANCE**

Racial and ethnic fairness in the legal system is not an ideal that is achieved through a mere checklist of activities that once completed can be put to rest. Rather, the effort to achieve a justice system that is not influenced solely by the color of a person's skin or by his or her ethnic heritage is an ongoing and active process. Justice for all is something that must be worked on every day and must be present in the minds of those who are both participants and workers within the justice system.

Yet, it is still important to continually measure our efforts, highlight accomplishments and specific projects completed, and identify strategies that hopefully one day will emerge as a standard way of doing business. With these thoughts in mind, the following table reports the status of each recommendation, the agency or agencies responsible, and, where appropriate, identifies a source for further information. The information in this table is based upon self-reported documents from agencies and representatives of the responsible parties. The content has not been evaluated during this first year of the Commission. This table should not be used as the sole measurement of the Commission's work or the work of the agencies identified. Instead, the table should be viewed as a fluid document that is continually updated and modified, establishing a pattern of progress toward racial and ethnic fairness.

### **Workforce: Recruiting/Hiring**

<i><b>Task Force Recommendation</b></i>	<i><b>Responsible Agencies</b></i>	<i><b>Status</b></i>	<i><b>Reference</b></i>
1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.	All Commission Agencies	<p><u>Plan in Place:</u> POST, Courts DYC, DOC, BOPP, and Bar</p> <p>Chiefs—Majority of police departments have plan in place; Sheriffs—20 of 29 counties, as required by state law</p> <p><u>Not required by law:</u> SLLDA, SWAP, Sent Cmsn, CCJJ</p>	Appendices; DHRM Admin Rule 477-2; Agency websites

2. Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.	Chiefs, Sheriffs, POST	Efforts include job fairs, School Resource Officers, and POST Police Corps program.	Appendices
3. Peace Officer Standards and Training (POST) and law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.	Chiefs, Sheriffs, POST	Some departments/offices use psychological profiles or character assessment instruments in application process.	Appendices
4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.	All Commission Agencies	Individual agencies have plans in progress; Commission Subcommittee is conducting Focus Groups.	Appendices and Sub-committee Reports
5. All county commissions awarding legal defender contracts in Utah should consider the issue of workforce diversity as an important factor in its review and assessment of the qualifications of contract applications.	No Commission Agency identified	The Juvenile Disproportionate Minority Confinement Committee (DMC) has prioritized the implementation of this recommendation for 2003.	The DMC of the Utah Board of Juvenile Justice
6. The Administrative Office of the Courts should conduct an examination of the racial and ethnic diversity of the courts workforce by judicial district to ensure progress in the goal of increasing workforce diversity. This examination should occur at least annually.	Courts	The “Workforce Composition Report” and “Utilization Analysis Report” will continue to be done annually. A new “Minority Retention Report” is also conducted.	Appendices and Utah State Courts Human Resources webpage
7a. The governor should ensure that every judicial nominating commission has a racially diverse membership.	No Commission Agency identified	Members of the Task Force met with the Governor to review recommendations; the Citizen Advisory Council conducted a campaign to encourage advocates of color to apply for Commission openings and met with the Governor to review this issue.	Appendices; Citizen Advisory Council

7b. The judicial nominating commissions and governor should adopt a policy that expressly recognizes the importance of racial and ethnic diversity in the nomination and appointment of judges.	No Commission Agency identified	No such policy has been adopted. The Courts' Implementation Committee sends a strong letter to all commissions reviewing judicial vacancies. The Advisory Council has testified at a commission meeting when a vacancy was reviewed.	Appendices
8. The Judicial Council, as part of the justice court certification process, should ensure that all judicial appointing authorities (city council/county government) recognize the importance of cultural diversity in the workplace and should have in place recruiting processes that result in diverse applicant pools. Further, the appointing authority should retain data relating to the race and ethnic background of applicants for the judicial vacancy for examination by the Judicial Council to monitor compliance with this position.	Courts	New Justice Court Judge Orientation includes racial and ethnic fairness presentations; the Administrative Office of the Courts added a point to the judicial vacancy application where the applicant can self-report his or her race.	Appendices
9. Judges should consider the importance of diversity on the bar and bench in the hiring of law clerks.	Courts	This is currently done informally only.	Appendices
10. The workforce of Adult Probation and Parole and the Utah Department of Corrections should establish policies and practices to increase their ability to recruit minority applicants. Hiring practices should be evaluated for their effect on minority applicants. Corrections should seek minority employees actively as new hires or on a contract basis, such as for pre-sentence investigators.	DOC	DOC Human Resources Bureau reviewed the impact of officer testing and hiring processes on minority candidates. Application and qualification processes have been adjusted and a task force formed to improve the processes.	Appendices
11. The Juvenile Courts and the Division of Youth Corrections, including their contract service providers, should establish policies and practices to increase their ability to recruit minority applicants.	DYC, Courts	The Juvenile Disproportionate Minority Confinement Committee (DMC), with its DYJ and Court representatives, has prioritized the implementation of this recommendation for 2003.	The DMC of the Utah Board of Juvenile Justice

## Training

<b><i>Task Force Recommendation</i></b>	<b><i>Responsible Agencies</i></b>	<b><i>Status</i></b>	<b><i>Reference</i></b>
1a. Peace Officer Standards and Training (POST) certified officers should be required to complete a minimum of four (4) hours per year of diversity training, as part of its forty hour (40) continuing education requirement.	POST	POST offers and encourages four and eight hour cultural competency trainings, but does not have the authority to mandate the curriculum.	Appendices
1b. Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as: <ul style="list-style-type: none"> <li>• Race Versus Culture</li> <li>• Hate Groups and Hate Crimes</li> <li>• Gender as a Unique Cultural Heritage</li> <li>• Domestic Violence Training</li> <li>• Sexual Harassment on the Force</li> <li>• Rape Survivor Awareness</li> <li>• Understanding One's Own Biases</li> <li>• Consequences for Racial Bias on the Job: Can I Be Sued?</li> </ul>	POST	The Cultural Competence curriculum is highly regarded and well received. Addressed in this and other curricula are: Domestic Violence, Peace Officer Liability, Victimology, and Sex Crimes.	Appendices
1c. Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.	POST, Chiefs, Sheriffs	The new curriculum has been developed and employed. POST also assisted in the development of the Utah Multi-Agency Cultural Competence Curriculum. The Chiefs developed and conducted a Train the Trainer session for a skill-based course on culturally competent traffic stops.	Appendices
2a. Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.	Chiefs, Sheriffs	The Sheriff's Executive Development Institute (Sept 02) addressed diversity issues. The Chiefs are committed to discussing diversity issues in sessions.	Appendices

2b. Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.	Chiefs, Sheriffs	Past Sheriff's Conference (Sept 01) included a "Workforce Diversity Track" for managers. The Chiefs intend to bring this subject as a potential training topic for Executive Development Institutes.	Appendices
3a. The Utah Supreme Court's Board of Mandatory Continuing Legal Education should require attorneys practicing in the criminal and juvenile justice systems to complete cultural competency training on a regular basis.	Utah Supreme Court's Board of Mandatory Continuing Legal Education	At this time, it is not required. The Utah Multi-Agency Cultural Competence Curriculum offered a low-cost training that targeted attorneys, and SWAP is exploring the possibility of offering similar training to its members.	Appendices
3b. The Utah State Bar should offer Continuing Legal Education (CLE) training on cultural competency for attorneys and paralegals in the criminal and juvenile justice systems.	Bar	Collaborating with the Multicultural Legal Center, the Bar has granted CLE credit for training based upon the Utah Multi-Agency Cultural Competence Curriculum.	Appendices
4. The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.	Bar, Courts, SLLDA, SWAP	The Bar formed a subcommittee to explore this issue and develop a plan of action.	Appendices
5a. The Judicial Council should ensure that all judges (at all levels of court) and relevant court personnel receive regular training on the appropriate use of interpreters in the courtroom.	Courts	Interpreting and Cultural Competency issues were addressed at the Juvenile Court Judges Conference, Justice Court Judges Conference, and District Court Judicial Conferences.	Appendices
5b. Judges should receive training on the level of reliability of psychological evaluation results in cases where the mental health practitioner does not speak the same language as the client/defendant, does not have an understanding of the defendant's culture, and in cases where an interpreter is used for the evaluation.	Courts, Adult Probation and Parole	Topic discussed at District Court Judicial Conference (May 02). Budgetary constraints dictate that bilingual psychological exams be discontinued until conducted properly.	Appendices

5c. Mandatory cultural diversity training should address the specific needs of court employees, including judges. The training should focus on cultural competency, not only awareness and sensitivity. The Administrative Office of the Courts should create a curriculum for court employees, including judges. Upon completion of the curriculum, the Administrative Office of the Courts should report to the Judicial Council on the status and implementation of its curriculum.	Courts	State Court Administrator mandated that all court employees receive eight hours of cultural competency training between Nov 01 and June 02. It is additionally required for all new court employees. Judges received training at their annual judicial education conferences. The Utah Multi-Agency Cultural Competency Curriculum was created and utilized by many state agencies and private organizations.	Appendices
5d. Judges should receive training on the rights of individuals to serve on juries and defendants to have a jury that reflects a cross section of the community.	Courts	Topic brought to the Standing Committee on Judicial Education for inclusion in future District Conferences.	Appendices
6. Individual judges, at all levels of the courts, and members of the Board of Pardons and Parole should conduct a heightened examination of the sentences they impose to determine whether or not they have, perhaps unintentionally, allowed racism to cloud their judgements.	Courts, BOPP	The Courts have not initiated a study yet. Questions of methodology arose by the contracted researchers and other research studies have taken current precedence. The Board and the Social Research Institute have conducted studies, both found no significant difference in length of prison stay between minorities and whites.	Appendices
7. Pre-sentence investigators should receive training on the importance of adhering to sentencing guidelines and their affirmative duty to justify departures with specificity.	DOC	Process is established requiring initial training, documentation of deviations, supervisor review, and collaboration with the Sentencing Commission.	Appendices
8. Training on the nature and impact of racial and ethnic bias within the system should be mandatory for Department of Corrections and Board of Pardons and Parole employees, including pre-sentence investigators (staff and contract). Mandatory training should include communication skills and the minority defendant. This training should assist employees in understanding different cultures.	DOC, BOPP	Pre-Service Academy, In-Service Training, new civilian staff, 1 <sup>st</sup> Line Supervisors, DIO, UCI, and AP&P receive mandatory and regular training. Three Board members/employees have attended Utah Multi-Agency Cultural Competence Curriculum training. The Board is working with POST to provide additional training for all Board employees.	Appendices

## Interpreting

<i><b>Task Force Recommendation</b></i>	<i><b>Responsible Agencies</b></i>	<i><b>Status</b></i>	<i><b>Reference</b></i>
<p>1. All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:</p> <ul style="list-style-type: none"> <li>• development of minimal interpreter standards,</li> <li>• utilization of the AT&amp;T Language Line</li> <li>• language training opportunities for law enforcement, including tuition awards and in-house training, and</li> <li>• use of volunteers to provide assistance with both knowledge of language and culture</li> </ul>	Chiefs, Sheriffs, POST	Available services vary greatly by county and resources. There are incentive programs to encourage bilingual skills amongst officers. POST proposal to double hours in Spanish language curriculum. Chiefs may secure lower-cost access to statewide language line.	Appendices
<p>2. The public and Bar should be provided with easily retrievable information on individual rights to an interpreter and the availability of interpreter services. Strategies should include:</p> <ul style="list-style-type: none"> <li>• Bar and Court web sites, and</li> <li>• Audiovisual and pamphlet materials available in multiple languages.</li> </ul>	Courts, Bar	Extensive information is available on the Courts website and the Bar is collaborating with the Multicultural Legal Center to prepare a pamphlet.	Appendices
<p>3. The court interpreter certification program should be strengthened and expanded to ensure quality interpretation for all those appearing in court proceedings. Strategies should include:</p> <ul style="list-style-type: none"> <li>• employing a full time administrator, including local managers, as appropriate,</li> <li>• employing full time interpreters as court employees, where appropriate,</li> <li>• establishing guidelines for contract interpreter selection,</li> <li>• monitoring needs requirements for additional language interpreters and certification testing,</li> <li>• establishing and maintaining a code of professional responsibility, discipline, and grievance procedure, and</li> <li>• conducting a concerted effort to recruit skilled interpreters so that there is a high probability exists that a certified interpreter will always be used.</li> </ul>	Courts	<p>All points have been implemented except:</p> <ul style="list-style-type: none"> <li>• budgetary constraints do not allow for a full-time administrator, although a full-time Interpreter Coordinator has been hired in the Third District.</li> <li>• budgetary constraints do not allow for certification in other languages at this time, but Court-Approved translators are available.</li> <li>• request for full-time interpreter positions will likely be proposed again, as most effective and economical service provision.</li> </ul>	Appendices



4. Interpreters should be proficiently bilingual and culturally competent to provide the proper language and dialect to an individual before the court. More minorities should be recruited to serve as interpreters.	Courts	The Courts joined the National Center for State Courts' Interpreter Consortium; interpreters are required to attend Courts' cultural competency training; interpreter recruitment plan devised by subcommittee of Court Interpreter Advisory Panel.	Appendices
5. Non-interpreter court employees who have bilingual skills and use those skills as a part of their job duties should be acknowledged through increasing starting salary levels and/or appropriate pay increases.	Courts	Second-Language Stipends have been implemented into policy.	Appendices
6. The Judicial Council should assign the responsibility to the Court Interpreter Advisory Committee of conducting a feasibility study to evaluate the need, viability, and placement of a centralized authority for overseeing the administration of certification and delivery of interpreter services for all criminal and juvenile justice agencies.	Courts	The Court Interpreter Advisory Panel deemed this not workable nor practical due to vast differences across the system. Furthermore, it would compromise budget, priorities, and quality control.	Appendices
7. Judges must assume responsibility in determining that the race, ethnicity or primary language of defendants, witnesses, victims, and counsel do not affect the ability of individual jurors to be impartial and should instruct court participants on the role of the interpreter (including the administration of the oath in open court).	Courts	These practices have been, and will continue to be, taught in orientations and judicial education conferences.	Appendices

## Community Resources/Outreach

<b><i>Task Force Recommendation</i></b>	<b><i>Responsible Agencies</i></b>	<b><i>Status</i></b>	<b><i>Reference</i></b>
<p>1. The State Office of Education should consider the following as strategies to assist in developing the pool of qualified minority applicants for criminal and juvenile justice careers:</p> <ul style="list-style-type: none"> <li>• a pilot criminal and juvenile justice academy/magnet school at the high school level that focuses on the many career opportunities in the criminal and juvenile justice system.</li> <li>• incorporating criminal and juvenile justice issues into the high school curriculum.</li> </ul>	No Commission Agency identified	School Resource Officers frequently teach law-related education classes to students that include a discussion on law enforcement careers.	State Office of Education
2a. The State Office of Education, via their “Prevention Dimensions” K-12 curriculum, should take a leadership role in partnering with the courts, state government, local government, legal organizations, and community groups, to teach the community and students about respect for different cultures, tolerance of difference, and understanding about what constitutes a hate crime.	No Commission Agency identified	Administrators in the State Office of Education institutionalized organizational changes to maximize internal collaboration. The Putting It Together (PIT) Crew coordinated the combining of resources and staff to train the multiple educational dimensions with the Respecting Ethnic and Cultural Heritage (REACH) curriculum. The core trainers have also collaborated with other agencies, including the Salt Lake Valley Health Department.	State Office of Education
2b. The Judicial Council’s Public Outreach Committee should take the lead in helping communities to understand the court process by considering implementation of the following: civics classes for minority communities, tours of the courts for schools and youth clubs, <i>Meet the Judges</i> nights, and having a Court - Community Outreach effort to link the courts and the public.	Courts	The Public Outreach Committee has conducted numerous events and community collaborations. Various programs have been initiated to encourage the judiciary to become involved in public outreach.	Appendices

<p>3. All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:</p> <ul style="list-style-type: none"> <li>• law enforcement complaint process,</li> <li>• judicial complaint process,</li> <li>• other employee complaint process,</li> <li>• annual report on minority bar,</li> <li>• and web site information on minority bar and judges, to include tribal courts.</li> </ul>	All Commission Agencies	<p>Dialogue on Freedom; School Resource Officers; funding opportunities for efforts to increase understanding of the system; referral to the Judicial Conduct Commission; 1-800 Courts Information line accepts complaints related to the State Courts; website information; Speakers Bureaus, and numerous events and presentations at the agency level.</p>	Appendices
<p>4. Minority organizations, including the Utah Minority Bar Association (UMBA), should anticipate judicial vacancies, encourage minority lawyers to apply and participate directly in the nominating commission and selection processes.</p>	UMBA, community organizations	<p>UMBA has hosted workshops to assist judicial applicants of color with the application process. The State's Hispanic Advisory Board wrote articles in the <i>Salt Lake Tribune</i> regarding the importance of diversifying the judiciary. The Courts' Ad Hoc Implementation Committee sent strong letters of support for diversifying the judiciary to Judicial Nominating Commissions reviewing judicial vacancies.</p>	Appendices
<p>5. The Utah Minority Bar Association and other associations should continue efforts to provide scholarships for minority law students and should work toward developing creative methods for expanding its outreach to recruit and encourage minorities to consider pursuing the practice of law.</p>	UMBA, Bar	<p>UMBA provides scholarships to current law school students at its annual banquet. The Bar is considering providing scholarships.</p>	Appendices
<p>6. The Utah State Bar should promote networking as a means for increasing minority membership and participation. This should include:</p> <ul style="list-style-type: none"> <li>• social events and educational programs,</li> <li>• law school programs,</li> <li>• internships,</li> <li>• scholarships, and</li> <li>• mentor programs.</li> </ul>	Bar	<p>Bar Commission includes UMBA representative as <i>ex officio</i> member, meets regularly with UMBA leadership, supports various fund-raisers, hosts the law schools' diversity job fairs, and considering continuing legal education scholarships to attorneys of color.</p>	Appendices

<p>7. Minority communities should organize support groups to develop intervention and mentor/role model programs for high risk youth.</p>	<p>No Commission Agency identified</p>	<p>Multiple programs are in existence throughout the state. Programs include: <i>Poder Para la Familia Hispana</i>, Community Connection Services and Office of Polynesian Affairs' <i>Project Manna</i>, Indian Walk-In Center Youth Program, the Asian Association of Utah's Culturally Appropriate Resiliency Enhancement (CARE) and Asian-Pacific Islander Life Empowerment (APLE) programs, the National Conference for Community and Justice (NCCJ) Unitown program. The newly-formed National Latino Peace Officers Association has prioritized outreach and youth mentor programs.</p>	<p>State Ethnic Offices, various community groups</p>
<p>8. Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.</p>	<p>All Commission Agencies</p>	<p>All Commission agencies nurture these partnerships at the agency level.</p>	<p>Appendices</p>

## Complaint Processes

<i><b>Task Force Recommendation</b></i>	<i><b>Responsible Agencies</b></i>	<i><b>Status</b></i>	<i><b>Reference</b></i>
1. At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.	Chiefs, Sheriffs, POST	At the agency level; POST also accepts complaints under specific circumstances. Approximately 70% of counties have a formal process.	Appendices
2. The Peace Officer Standards and Training (POST) Council should establish a model complaint process for law enforcement agencies. (Multiple issues identified)	POST	POST works with individual agencies to investigate, provide training, and certification of managers. POST can exercise independent authority to investigate and discipline. Salt Lake City has a Citizen Review Board in place, and one is underway in Weber County.	Appendices

## Administration

<i><b>Task Force Recommendation</b></i>	<i><b>Responsible Agencies</b></i>	<i><b>Status</b></i>	<i><b>Reference</b></i>
1. Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.	All Commission Agencies/ No responsible party identified	The 2002 Sundance Film Festival specifically explored hate crimes and the Chiefs and Commission participated in a community screening and dialogue.	Appendices
2. Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.	Chiefs, Sheriffs, POST	Administrators and Associations have no-tolerance policies for bias-based policing.	Appendices
3. Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.	Chiefs, Sheriffs	The Chiefs provide a model "Racial Profiling Policy" on their website, which was adopted also by the Sheriffs in third quarter 2001.	Appendices

4. Law enforcement agencies should seek funding necessary to install video cameras with audio capability to be used in patrol vehicles and micro-cassette recorders to be utilized on citizen contacts away from the patrol vehicle in order to ensure against profiling based on race and ethnicity.	Chiefs, Sheriffs	This is a priority and supported by all departments. Implementation is anticipated in near future.	Appendices
5. Activities by the State Bar should include: • encouraging Utah women of color to participate in bar activities, and • coordinating efforts of Young Lawyers of Utah, Women Lawyers of Utah, Bar and Minority Bar Association to increase the number of minority lawyers and their participation in bar activities.	Bar	Bar Commission includes <i>ex officio</i> members of these three groups, meeting regularly with leadership and supporting events.	Appendices
6. Public defender contracts should be awarded to attorneys who have experience and competency in criminal law.	No Commission Agency identified	SLLDA handles more volume and difficult cases more often than any privately operated, publicly funded agency in Utah.	Appendices
7. Law enforcement, prosecutors, and judges should not be decision makers in the award of public defender contracts. Input from others should be sought by those who decide the awards.	No Commission Agency identified	The identified agencies do not have decision making authority in awards process.	Appendices
8. The budget for appointed attorneys should be separate from the budget for county prosecutors. Since funding a public defender office with funds from the prosecutor budget can create the appearance of a conflict of interest, local governments should ensure that the budgets are separate.	SLLDA, SWAP	Public defender office budgets are separate from prosecutor's office budget.	Appendices
9. Public defender and prosecutor caseloads should be lightened so as to allow more attention to individual cases.	SLLDA, SWAP	SLLDA reports that caseloads have decreased or stayed constant for several years. SWAP reports that their loads have increased.	Appendices
10. Comparable pay for comparable experience should be given to public defenders and prosecutors so that lateral transfers within the system are possible.	SLLDA, SWAP	This remains a goal, but may pose potential conflict with other recommendations.	Appendices

11. Public defenders and all criminal defense attorneys should provide their clients with referrals to other agencies that can assist in resolving problems that are not legal in nature and thus outside the expertise of the attorneys.	SLLDA	SLLDA makes appropriate referrals.	Appendices
12. The Legislature, county and local governments should provide additional financial resources to bring all prosecutor and legal defense offices up to the equivalent provided to the Salt Lake District Attorney's Office and the Salt Lake Legal Defender's Association.	SLLDA, SWAP	It is unlikely that the Utah State Legislature would provide this funding.	Appendices
13. In order to develop race-neutral release policies, Utah's criminal justice system should adopt objective criteria for pre-trial release.	DOC	Adult Probation and Parole will review Pre-Sentence Investigation process to ensure race-neutral perspective.	Appendices
14. The pre-sentence report header should not include any information on race/ethnicity of the accused and victims. At no time should race or ethnicity be considered in the pre-sentence evaluation, except when that information is an integral component to the pre-sentence evaluation, such as police report descriptions or in hate crimes. The data, however, should be collected and maintained separately and electronically if possible.	DOC	The information is not on the header, but still collected in the O-Track database.	Appendices
15. Upward departure recommendations on pre-sentence investigations should, by policy, require review by a supervisor. Records shall be kept in a searchable form of all approvals for upward departures.	DOC	All PSI recommendations are reviewed by a supervisor.	Appendices
16. The Judicial Council should request annual reports from the Administrative Office of the Courts and the Utah State Bar outlining their progress in implementation of court workforce recommendations.	Courts, Bar	The Courts submit the reports annually. The Bar has and will continue to submit reports upon request.	Appendices

17. Court ordered psychological evaluations (ie., those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client's cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.	DOC	All evaluations are performed by licensed practitioners. DOC is considering requiring cultural competency training from their contract providers.	Appendices
18. Juvenile justice system services should be provided to the entire family to insure that family issues that may contribute to delinquent behavior are addressed as well as those of the minor.	DYC	During last fiscal year alone, over 69,000 hours of family therapy were provided.	Appendices
19. The Juvenile Court, and its attendant services, such as probation, should expand its operating hours to accommodate work responsibilities of many parents of court clients.	Courts	Extended hours of operation are in process within some components of Juvenile Court at this time (including probation officers, State Supervision Unit, Positive Solutions Classes, Intake Services, and Orientation Programs). Some units will also travel to conduct home visits to accommodate client schedules. Other components, such as Assessment & Diversion, had experimented with extended hours and Saturday hours. However, utilization was too low to justify the additional costs (including personnel, security, operations).	Appendices



20. Advocate positions should be created by the Utah State Courts as a means of helping individuals and families through the court process. The availability of an advocate who is knowledgeable about the system, has a bi/multi-lingual capability, and has demonstrated cross-cultural skills would create a perception of a friendlier and more caring system.	Courts	Court employees receiving Second Language Stipends fulfill part of this role.	Appendices
21. Community based organizations that are engaged in intervention projects targeting minority youth should utilize existing research on reducing risk and enhancing strengths (i.e., the Hawkins Catalano Communities that Care Model) in their program development efforts.	No Commission Agency identified	Utah Board of Juvenile Justice requires all funded programs serving juveniles to utilize a risk-focused model and to evaluate programs using this model.	Appendices
22. The Division of Youth Corrections should include cultural competency as one criteria in its review of contract treatment programs. The ability to serve clients and families whose first language is not English should also be considered.	DYC	Several current contracts are with culturally competent providers. DYC will further attempt to recruit a broader pool at the next request for proposals.	Appendices
23. Treatment programs need to improve their content to recognize that cultural and ethnic differences exist and adjust the program content to better serve the needs of all clients served. Culturally and ethnically appropriate mentor programs should be designed and implemented.	DYC	Several current contracts are with culturally competent providers. The single mentor program is run by Colors of Success.	Appendices

## Data

<b><i>Task Force Recommendation</i></b>	<b><i>Responsible Agencies</i></b>	<b><i>Status</i></b>	<b><i>Reference</i></b>
1. The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.	Chiefs, Sheriffs	This information is not collected at this time. Legislation will likely be necessary for implementation.	Appendices

<p>2. Individual law enforcement agencies should track yearly the following data related to complaint processes:</p> <ul style="list-style-type: none"> <li>• Review board members' race and ethnicity,</li> <li>• Review board members' length of service,</li> <li>• The officer's race/ethnicity,</li> <li>• The complainant's race/ethnicity, and</li> <li>• The overall number of police abuse complaints filed and their dispositions.</li> </ul>	Chiefs, Sheriffs	Most departments do not have review boards. The new Racial Profiling law currently requires the officer to report his/her race/ethnicity, and Utahns can voluntarily report their race/ethnicity on their drivers license application.	Appendices
<p>3. Law enforcement agencies should keep not only accurate, but readily compilable, accessible and reviewable racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (ie. gang-related stops, traffic violations).</p>	Chiefs, Sheriffs	The new Racial Profiling law will provide this information.	Appendices
<p>4. The Utah Department of Public Safety should modify and improve the Bureau of Criminal Investigation database. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The Utah Sheriffs' Association, the Utah Chiefs of Police Association, Peace Officer Standards and Training (POST), and the Bureau of Criminal Investigation should give strong support for maintaining a statewide, standardized law enforcement software which would consistently report crime and arrest information. These organizations should seek complete and regular reporting from all law enforcement agencies in the state.</p>	Chiefs, Sheriffs, POST, DPS	This has not been implemented, but standardization, automation, and interactive databases are goals for many counties. Collaboration is encouraged.	Appendices
<p>5. The Utah State Bar and Utah Minority Bar Association should track and report racial data to the Utah Supreme Court, including:</p> <ul style="list-style-type: none"> <li>• number of minorities employed at the Bar,</li> <li>• participation of minority lawyers in bar activities and leadership positions, and</li> <li>• racial and ethnic composition of Utah State Bar, including applicants for Bar exam.</li> </ul>	Bar	Reports are provided at request; 13% of Bar staff are ethnic minority and Bar Commission includes two commissioners of color. Racial/ethnic composition of Bar membership is being determined.	Appendices

6. Salt Lake Legal Defender's Association and other providers of public defender services in Utah should keep track of the race, ethnicity and primary language of each defendant served. These data should be kept electronically, if possible.	SLLDA	In conjunction with the Third District Court, this information is now collected.	Appendices
7. Track electronically racial and ethnic data on pre-trial release decisions, including Consent Decree Release (CDR), release to Pre-Trial Services (PTS), and release on own recognizance (OR).	Courts	The implementation of the racial profiling law will start this process. Prior to this data collection measure, the system lacked a data-gathering mechanism, consistent computer programs for appropriate input, and the software and hardware to gather information from each of the agencies' databases.	Appendices
8. The Administrative Office of the Courts should keep statistics regarding the race and ethnic background of judicial applicants (for appellate, juvenile, and district court positions) throughout the application process. The process for collecting these data should allow applicants to self-identify their race/ethnicity. The data should be used for statistical purposes only. Therefore, data should be collected with the application but separated prior to the review process.	Courts	Judicial application revision includes this information.	Appendices
9. The Administrative Office of the Courts' court employee application form should include some type of form that requests Equal Employment Opportunity data as an optional part of the application. The collection of this data should be used for statistical purposes only. Therefore, the form should not be attached to the application so as to ensure that the information will not be forwarded to the interview process. The data should be self-reported. A self-addressed postcard or foldable mailer are two possibilities.	Courts	Court employee application revision includes this information.	Appendices

10. Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.	All Commission Agencies	CCJJ, Courts, DOC, DYC are currently implementing the reviews.  Bar, BOPP, Chiefs, POST, SLLDA, Sheriffs, SWAP have delayed implementation.	Appendices
11. Justice courts across the state should maintain data on sentencing decisions by race and ethnicity. Data should be kept in a consistent manner for the purposes of evaluation.	No Commission Agency identified	Justice Courts are not under the jurisdiction of the State Courts. This has not been implemented primarily due to technological limitations of many Justice Courts.	Appendices
12. The racial and ethnic composition of the qualified jury list and of jury service should be tracked regularly to determine levels of participation by minorities and the representativeness of Utah's jury pool database.	Courts	Efforts to ensure representative jury pool and increase the effectiveness of the jury summons process are occurring.	Appendices
13. The Judicial Conduct Commission should track and publish the total number of complaints and the aggregate outcome of those complaints by outcome category.	No Commission Agency identified	This information is publicly available in the Judicial Conduct Commission annual reports. Categories include: Dismissed, Still Under Investigation, Private Reprimand, Public Reprimand, Public Censure, Suspension, Removal, and Involuntary Removal.	Judicial Conduct Commission
14. The Judicial Council should require justice courts to provide statistical information to the Administrative Office of the Courts (AOC) on workforce issues that the AOC tracks for other levels of the court, including racial/ethnic data on judicial applicant pools.	No Commission Agency identified	Justice Courts are not under the jurisdiction of the State Courts. Justice Courts are appointed by their local governments.	Appendices
15. The Judicial Performance Evaluation Committee should add the following item to the judicial performance evaluation form to inquire specifically about racial and ethnic bias. Respondents should be asked to rate the justice or judge on the following issue: Engages in any language or behaviors that result in racial, ethnic, or gender bias or the appearance of racial, ethnic, or gender bias?	Courts	This inquiry was removed from the evaluation form in an effort to reduce length. Analysis showed that the answers were captured through other questions.	Appendices

16. The Department of Corrections should keep racial and ethnic statistics regarding the demographics of the prison, probation and parole populations, including: offense by type(s); recommendations of pre-sentence reports; sentencing guidelines compared to sentences by courts to probation, prison; length of stay compared with sentencing guidelines; probation or parole violation rates, termination of probation or parole rates; and those with illegal alien status, so that the impact of efforts toward increasing racial and ethnic fairness can be properly monitored.	DOC	The O-Track database collects this information.	Appendices
17. The Division of Youth Corrections should collect socio-economic data in its database in order to facilitate a future examination of the relationship of social class to custody issues.	DYC	Division has pending new data system. Future efforts will be made.	Appendices

## Research

<b><i>Task Force Recommendation</i></b>	<b><i>Responsible Agencies</i></b>	<b><i>Status</i></b>	<b><i>Reference</i></b>
1. The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.	All Commission Agencies	CCJJ (conducting a cost benefit analysis), DOC, DYC have begun this implementation.  BOPP, Chiefs, Courts, POST, SLLDA, Sheriffs, SWAP have delayed implementation.	Appendices
2. The Commission on Criminal and Juvenile Justice should sponsor research into the alleged practice of stacking of charges to determine whether minorities receive more charges than non-minorities.	CCJJ	Study completed and delivered to the Juvenile Disproportionate Minority Confinement Committee and Commission Research Subcommittee.	Research Sub-Committee, DMC

3. The Commission on Criminal and Juvenile Justice should study law enforcement data regarding racial profiling, once sufficient data has been collected by local law enforcement agencies (ie. Salt Lake Police Department, St. George Police Department), and should publish their findings.	CCJJ	With passage of Racial Profiling law, will take five years to collect data.	Appendices
4. Law enforcement, in conjunction with other agencies, should support research to define and identify the nature and extent, if any, of racial profiling.	CCJJ	With passage of Racial Profiling law, will take five years to collect data.	Appendices
5. The Driver License Division of the Department of Public Safety should request that each applicant for a driver license or state identification card state his or her race and ethnicity in accordance with the categories established by the U.S. Census.	DPS, CCJJ	With passage of Racial Profiling law, will take five years to collect data.	Appendices
6. The Utah State Bar should review disciplinary practices for racial and ethnic bias.	Bar	No evidence of bias found.	Research Sub-Committee
7. The Utah State Bar should have the admissions process and procedures reviewed for racial and ethnic bias, and review the bar exam for disparate impact.	Bar	The Admissions' Committee has been assigned this task.	Research Sub-Committee
8. The Utah State Bar should examine the reasons behind the large percentage of minority lawyers who have "inactive status" with the Bar. Where appropriate, the Bar should develop internship and placement programs for minorities.	Bar	Research was unable to determine reasons for inactive status. Currently working to agree on best response/strategy to this issue.	Research Sub-Committee

9. The State of Utah should conduct an assessment of how indigent defense services are conducted. The Task Force recommends the establishment of an Indigent Defense Review Council (IDRC) to be active for three years. Membership in the IDRC would be designated by the Legislature and would include one committee member from each judicial district in Utah, minority representation reflective of Utah's overall population, as well as equal balance between prosecution and defense counsel, and others. IDRC would be charged with studying current delivery efforts in each county with specific attention to standards of fairness as applied to the representation of racial and ethnic minorities.	No Commission Agency Identified	This has not been implemented. SLLDA's division for writs and appeals for indigent clients may address some of these issues.	Appendices
10. A statewide Appellate Public Defender's Office should be created, consistent with the recommendations of the Task Force of Appellate Representation of Indigent Defendants (September 14, 1994).	No Commission Agency Identified	This has not been implemented.	Appendices
11. The Statewide Association of Prosecutors (SWAP) and the Prosecution Council should sponsor a process that represents multiple perspectives to conduct research on whether racial and ethnic bias is reflected in prosecutorial decision making.	SWAP	A literature and program evaluation review are in process, the Social Research Institute has been consulted, and a subcommittee is further exploring this possibility.	Appendices
12. More research and information about effective ways to punish hate crimes are needed including "models of intervention" such as mediation, education and training, more intensive probationary provisions, and offender treatment programs.	CCJJ, Sentencing Commission	Research on hate crime laws available; recommendation needs further clarification	Appendices, Sentencing Commission
13. The Judicial Council should determine methods for increasing the racial and ethnic representativeness of juries.	Courts	Jury Pool Improvement Project is examining options.	Appendices

14. The Administrative Office of the Courts should sponsor significant research on the source lists for the jury master list, the jury qualification process, and the use of peremptory challenges for racial and ethnic bias. Research should also study whether and to what extent jurors feel they have been the object of racial or ethnic bias in their capacity as jurors.	Courts	Jury Pool Improvement Project is examining options.	Appendices
15. The Administrative Office of the Courts should sponsor research to determine whether the absence of minorities on juries results in an inability to receive a fair trial. The study should compare conviction rates of minority defendants by juries with minority representation.	Courts	Jury Pool Improvement Project is examining options.	Appendices
16. The Utah Sentencing Commission should conduct an experiment involving the question of aggravating and mitigating circumstances both in the adult and juvenile justice systems. For example, conduct a “blind” review of recommendations where social information that would identify or suggest the client’s ethnicity is deleted in a matched set of minority and non-minority clients. The research should also examine the extent to which chronicity scores contribute to minority overrepresentation. This study would provide an opportunity to see if and how subtle bias creeps into case processing, particularly in the areas of preparing sentencing and placement recommendations.	Sentencing Commission	Juvenile research near completion. Adult research will then commence.	Sentencing Commission, CCJJ
17. The Juvenile Courts, the Department of Child and Family Services, and the Division of Youth Corrections should jointly examine the relationship between custody and socio-economic status. Specifically, the research should attempt to establish if a relationship exists between income level and custody decisions.	Courts, DCFS, DYC	This has not begun, as the data is currently being collected. National research may be available.	Social Research Institute



18. The Juvenile Courts and the Division of Youth Corrections should conduct qualitative reviews involving youth who successfully exit the system.	Courts, DYC	New CARE system to collect data.	Appendices
19. The Utah Sentencing Commission should evaluate the application of aggravating and mitigating factors in sentencing, as opposed to the use of “strength-based” and “risk-focused” models, to determine if racial and ethnic bias occurs in that application.	Sentencing Commission	Sentencing Research currently being conducted. Analysis will commence after.	Appendices
20. The Department of Human Services should conduct research in order to review child welfare practices to determine if child welfare practices increase the likelihood of the youth correctional system to gain eventual custody of youth of color.	DHS	DHS is working to collect and report more data on client race/ethnicity and service provided; service concerns/inconsistencies; more accurate socio-economic information.	Appendices

# **APPENDICES**

## **Agency Responses to Specific Task Force Recommendations**

The Commission invited the participating criminal justice agencies to submit a response to the Task Force recommendations for their individual agencies. Following are the Agency Responses. Other than minor format adjustments, we have respected the agencies' prerogatives and response decisions and have made no editorial changes. Thus, the following appendices represent the views and comments of each individual agency, and not necessarily that of the Commission.

## Utah Chiefs of Police Association Response to Recommendations of Task Force on Racial and Ethnic Fairness

### **WORKFORCE: RECRUITMENT/HIRING**

1. *Agencies in the State of Utah should establish and maintain Equal Employment Opportunity Plans*

Implementation Status: Most police departments in the state have met this requirement.

2. *Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.*

Implementation Status: Many police departments attempt to recruit minorities, however, they have encountered many obstacles. Among them being the lack of resources to actively recruit, the lack of interest on the part of minorities to go into law enforcement, and of those minorities that are interested, many do not meet the hiring standards.

3. *Peace Officer Standards and Training (POST) and law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.*

Implementation Status: There is not a standard evaluation instrument used by all police departments. If one can be made available, at little or no cost, the association will be happy to encourage and facilitate the agency use.

### **TRAINING**

- 1b. *Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as:*
  - *Race Versus Culture*
  - *Hate Groups and Hate Crimes*
  - *Gender as a Unique Cultural Heritage*
  - *Domestic Violence Training*
  - *Sexual Harassment on the Force*
  - *Rape Survivor Awareness*

- *Understanding One's Own Biases*
- *Consequences for Racial Bias on the Job: Can I Be Sued?*

**1c.** *Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.*

Implementation Status: The Utah Chiefs of Police Association has spent considerable time and effort to develop a "Bias Based Policing" training module to teach officers to conduct culturally appropriate traffic stops. This course has been taught to 40 police trainers throughout the state and these trainers will in turn teach the subject to their departments and others as requested. A separate training program on cultural diversity is also taught to and by police officers from different parts of the state. The association will continue to encourage departments to avail themselves of these courses.

**2a.** *Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.*

Implementation Status: The Chiefs and Sheriffs have two conferences each year. Due to the large variety of training needs and the short time all Chiefs and Sheriffs come together it is unlikely that diversity issues will ever be the main focus simply because it is not a major issue compared to the other issues facing law enforcement executives. However, the Association is committed to making this subject one that is discussed in each session.

**2b.** *Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.*

Implementation Status: This recommendation is currently not required. The statute requires an in service requirement of 40 hours of training per year. The administrators or officers may choose any subject they like for those 40 hours as long as it is approved by the Chief or Sheriff. The first step to implementation is to bring this subject up as a training point at our Executive Developments Institutes held twice a year.

## **INTERPRETATION**

- 1.** *All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:*
- *development of minimal interpreter standards,*
  - *utilization of the AT&T Language Line*

- *language training opportunities for law enforcement, including tuition awards and in-house training, and*
- *use of volunteers to provide assistance with both knowledge of language and culture*

Implementation Status: Currently the only interpretation service that most departments utilize is if someone on the department or a community volunteer who has the language needed, is called out to interpret. A possible solution would be to have a community campaign to find people with second languages and ask if they would be willing to be called out at any time to provide those services. This possible solution will be considered as a project by the association. The Chiefs Association is also attempting to secure a subscription to a statewide language services telephone line that all police departments can access at low cost. This line is currently utilized by larger departments, but this effort is intended to assist the smaller departments.

### **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
  - *law enforcement complaint process,*
  - *judicial complaint process,*
  - *other employee complaint process,*
  - *annual report on minority bar, and*
  - *web site information on minority bar and judges, to include tribal courts.*

Implementation Status: Many municipal police departments and Sheriffs departments have “School Resource Officers.” These officers teach these very subjects as well as try to recruit minorities. This method however, is budget driven and is not in existence in every high school.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community’s needs.*

Implementation Status: This recommendation has not been implemented.

### **COMPLAINT PROCESSES**

1. *At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.*

Implementation Status: All law enforcement agencies in Utah do have a written complaint review process in place. The problem is that a citizen may complain about how he/she is treated

by an officer, but the complaint is reviewed by other officers/administrators within the department and the complainant does not feel he or she receives a fair hearing. Some civil rights complaints are reviewed by the FBI. However, this rarely occurs.

## **ADMINISTRATION**

1. ***Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

Implementation Status: Law enforcement has supported hate crime legislation every year it has been presented in the legislature. Law enforcement also takes complaints about hate motivated violence. Due to budgeting priorities, information and education campaigns are not generally done.

2. ***Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.***

Implementation Status: Police administrators do not tolerate officer misconduct, including misconduct based on race or ethnicity. If there are cases of abuse the administrator usually does not find out about it. All departments in the state now have policies that prohibit “Racial Profiling” or any conduct based solely on race or ethnicity. As of January 2003, state law requires these procedures to be in place.

3. ***Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.***

Implementation Status: The Utah Chiefs of Police Association has had a model “Racial Profiling Policy” on its web site, [www.utahchiefs.org](http://www.utahchiefs.org) over a year. Most departments have used this model policy to adopt their own policy.

4. ***Law enforcement agencies should seek funding necessary to install video cameras with audio capability to be used in patrol vehicles and micro-cassette recorders to be utilized on citizen contacts away from the patrol vehicle in order to ensure against profiling based on race and ethnicity.***

Implementation Status: Video cameras are a high priority for all police departments and they are obtaining them as soon as budgets will allow. Police officers want these cameras to be able to show the court what really happened on an arrest, rather than the defendant’s version of what

happened. I think this recommendation will be implemented in the near future without any outside efforts.

## **DATA**

1. ***The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.***

Implementation Status: This recommendation will probably take legislation to enact. Cost and procedural changes make this a difficult recommendation to implement.

2. ***Individual law enforcement agencies should track yearly the following data related to complaint processes:***
  - ***Review board members' race and ethnicity,***
  - ***Review board members' length of service,***
  - ***The officer's race/ethnicity,***
  - ***The complainant's race/ethnicity, and***
  - ***The overall number of police abuse complaints filed and their dispositions.***

Implementation Status: Most departments do not have review boards. The number of complaints are so few that most cases of officer abuse is handled by the Chief.

3. ***Law enforcement agencies should keep not only accurate, but readily compilable, accessible and reviewable racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (i.e. gang-related stops, traffic violations).***

Implementation Status: H.B. 101 "Racial Profiling" will go a long way to accomplish this goal. We recommend that we follow the provisions of this legislation to see if it will accomplish the desired results.

**Utah Sheriffs Association  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**WORKFORCE: RECRUITMENT/HIRING**

**1. *Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans***

Implementation Status: Twenty of the twenty-nine counties have a written EEOP and guidelines. State law determines level of personnel or Human Resource function required of counties (rural vs. urban).

**2. *Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.***

Implementation Status: For most counties, this is a goal. Various counties indicate a range of recruitment efforts, which include:

- School Resource Officers in elementary, middle, and high schools
- Presentations to ethnic groups
- Explorer POSTS

Utah Sheriffs Association attends job fairs and recruitment opportunities at various campus sites around the intermountain west on behalf of all Utah Counties.

**3. *Peace Officer Standards and Training (POST) and law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.***

Implementation Status: Most counties currently do not have easy access to this resource. Cost is a prime consideration for most sheriffs. Most reliable instruments, raters, etc., are often found from out-of-state vendors. All counties perform a background investigation of recruits. They differ in scope and depth. A few counties use a psychological profile or character trait assessment instrument.



## **TRAINING**

- 1a. Peace Officer Standards and Training (POST) certified officers should be required to complete a minimum of four (4) hours per year of diversity training, as part of its forty hour (40) continuing education requirement.***

Implementation Status: While this is not directed towards the Sheriffs' Association, the Sheriffs' Association can and will provide substantial support toward completion of this goal through exercising its numerous votes on POST's governing council, and through mandating participation in presently available training for Sheriffs' deputies.

- 1b. Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as:***

- ***Race Versus Culture***
- ***Hate Groups and Hate Crimes***
- ***Gender as a Unique Cultural Heritage***
- ***Domestic Violence Training***
- ***Sexual Harassment on the Force***
- ***Rape Survivor Awareness***
- ***Understanding One's Own Biases***
- ***Consequences for Racial Bias on the Job: Can I Be Sued?***

Implementation Status: Again while this is a work in progress and not directed towards the Sheriffs' Association, the association can and will provide substantial support toward completion of this goal through exercising its numerous votes on POST's governing council, and through mandating participation in presently available training for Sheriffs' deputies.

- 1c. Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.***

Implementation Status: The Sheriffs' Association fully supported the inclusion of new cultural competence training in the POST Basic Training Curriculum in 2001. The Sheriffs' Association can provide substantial support toward completion of this goal mandating participation in presently available training for Sheriffs' deputies.

- 2a. Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.***

Implementation Status: The Sheriffs EDI Conference in September 2002 also addressed diversity issues. There are efforts to create a “Command College” with Utah Chiefs and Sheriffs along with allied state agencies.

- 2b. *Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.***

Implementation Status: Past Sheriffs conference (September 2001) had a “workforce diversity track” for managers.

## **INTERPRETATION**

- 1. *All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:***
- *development of minimal interpreter standards,*
  - *utilization of the AT&T Language Line*
  - *language training opportunities for law enforcement, including tuition awards and in-house training, and*
  - *use of volunteers to provide assistance with both knowledge of language and culture*

Implementation Status: The Interpreter services at arrest, booking and at the complaint process are:

Arrest—this will be the most difficult to accomplish statewide in a time sensitive manner and in relation to the location of arrest.

Booking/Complaint process: will vary greatly from county to county. However, most (if not all) counties will have access to some type of interpreter service over time. There is also access to the AT&T Language Line, although cost is a major concern.

In addition, there are incentive programs for bi-lingual deputies/officers and most counties have provided some level of minority language training to staff (primarily in Spanish). Finally, Dispatch Resource lists exist which identify officer/deputy capabilities. Agencies have been willing to “share the resource”.

## **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
  - *law enforcement complaint process,*
  - *judicial complaint process,*
  - *other employee complaint process,*
  - *annual report on minority bar, and*
  - *web site information on minority bar and judges, to include tribal courts.*

Implementation Status: Sheriffs have staffed secondary schools with School Resource Officers. School districts have implemented U.S. Government and law classes, vocational law enforcement classes, and have used Sheriffs Office personnel as guest speakers. In addition, some counties offer Citizens Academies, Town Meetings, Speakers Bureaus, and the Utah Sheriffs Association provides talking point information each quarter.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.*

Implementation Status: This has not been implemented to our best knowledge.

## **COMPLAINT PROCESSES**

1. *At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.*

Implementation Status: Approximately seventy percent of the counties have a written complaint procedure/process.

2. *The Peace Officer Standards and Training (POST) Council should establish a model complaint process for law enforcement agencies. The POST Council should take into account the following issues:*

- A. *Every law enforcement agency should have a Citizen's Review Board or a similar review process that investigates allegations of excessive force and other allegations of substantial civil rights violations. This review board should represent a cross section of the community not employed by law enforcement.*
- B. *Every law enforcement agency should complete the review of the complainant's investigation within a reasonable time period and include a written response*

*with supporting testimony or documents to justify the law enforcement agency's actions or inactions.*

- C. Every law enforcement agency should allow a complainant to file a law enforcement abuse complaint via the telephone.*
- D. Law enforcement agencies should accept anonymous complaints and should include a procedure informing anonymous complainants of the limits of investigations that are inherent to anonymous complaints.*
- E. Law enforcement agencies should allow the complainant to review, for verification of accuracy, a copy of his/her testimony.*
- F. Every law enforcement agency should have the complaint reviewed by the officer's supervisor and by someone other than the officer's immediate supervisor.*
- G. Every law enforcement agency should list general categories of common complaints (ie. verbal, physical, harassment, action conducted by the law enforcement officer) on the complaint process form.*
- H. Law enforcement agencies should work to instill public confidence in the review process by keeping the public informed as to the total numbers and types of complaints filed per year, the types of dispositions on those complaints, as well as information about the complaint process itself.*
- I. Literature describing the complaint process, the complainant's rights to appeal, and the consequences for filing false complaints should be printed in English as well as other languages, and should be available at law enforcement agencies in plain view.*

Implementation Status: The International Association of Chiefs of Police (IACP) Model Complaint policy is taught in the Internal Affairs and First Line classes. This Model Policy covers most of the concerns raised by the Task Force. The National Sheriffs Association, IACP, Police Executive Research Forum (PERF), National Organization of Black Law Enforcement Executives (NOBLE), Commission on Accreditation of Law Enforcement Association (CALEA) and other professional organizations support this policy. The process to develop Citizen Review Boards raises many issues. For instance, we must determine if the members are trained or non-trained. At this time, no counties have a Citizen Review Board in place, but one is underway in Weber County.

## **ADMINISTRATION**

1. ***Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

Implementation Status: This has not been implemented to our best knowledge.

2. ***Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.***

Implementation Status: The Sheriffs Association has a no-tolerance policy for biased conduct based on race/ethnicity. Some counties, such as Weber County, are in the process of accreditation through CALEA. Finally, quarterly business meetings and round table discussions with Chiefs and Sheriffs allow better coordination.

3. ***Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.***

Implementation Status: The Model Racial Profiling policy was presented, trained, and adopted by the Association in the third quarter of 2001.

4. ***Law enforcement agencies should seek funding necessary to install video cameras with audio capability to be used in patrol vehicles and micro-cassette recorders to be utilized on citizen contacts away from the patrol vehicle in order to ensure against profiling based on race and ethnicity.***

Implementation Status: Video cameras are not in all cars, although most sheriffs/chiefs/directors who currently use them would prefer to have them in all patrol cars. Alcohol funds are being currently used to assist agencies in obtaining cameras, primarily for DUI enforcement.

## **DATA**

1. ***The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.***

Implementation Status: This has not been implemented to our best knowledge.

2. ***Individual law enforcement agencies should track yearly the following data related to complaint processes:***
  - ***Review board members' race and ethnicity,***
  - ***Review board members' length of service,***
  - ***The officer's race/ethnicity,***
  - ***The complainant's race/ethnicity, and***
  - ***The overall number of police abuse complaints filed and their dispositions.***

Implementation Status: This has not been implemented to our best knowledge.

3. ***Law enforcement agencies should keep not only accurate, but readily compilable, accessible and reviewable racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (ie. gang-related stops, traffic violations).***

Implementation Status: This has not been implemented to our best knowledge.

4. ***The Utah Department of Public Safety should modify and improve the Bureau of Criminal Investigation database. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The Utah Sheriffs' Association, the Utah Chiefs of Police Association, Peace Officer Standards and Training (POST), and the Bureau of Criminal Investigation should give strong support for maintaining a statewide, standardized law enforcement software which would consistently report crime and arrest information. These organizations should seek complete and regular reporting from all law enforcement agencies in the state.***

Implementation Status: This has not been implemented to our best knowledge. However, standardization, automation, interaction of databases are goals that many counties are working towards. Interoperability is a long-term goal. Major urban areas are coming together in a shared RMS/JMS/CAD solution. Joint/shared system of improvement projects are encouraged.

## **RESEARCH**

1. ***The criminal and juvenile justice system should implement management information systems that produce information that captures "what works" predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.***

Implementation Status: This has not been implemented to our best knowledge.

3. *The Commission on Criminal and Juvenile Justice should study law enforcement data regarding racial profiling, once sufficient data has been collected by local law enforcement agencies (ie. Salt Lake Police Department, St. George Police Department), and should publish their findings.*

Implementation Status: This has not been implemented to our best knowledge.

4. *Law enforcement, in conjunction with other agencies, should support research to define and identify the nature and extent, if any, of racial profiling.*

Implementation Status: This has not been implemented to our best knowledge.

## Peace Officer Standards and Training (“POST”) Response to Recommendations of Task Force on Racial and Ethnic Fairness

*Peace Officer Standards and Training (“POST”) is a unique law enforcement agency in several respects. Although POST’s daily operations are executed by sworn peace officers of the Utah Department of Public Safety, POST programs and activities are governed by the POST Council. The Council consists of at-large members appointed by the Governor, elected mayors and county commissioners, and state, federal and local law enforcement executives. POST is also different from other law enforcement agencies because our direct clients are police and sheriffs’ departments. POST does not select the cadets that it trains; rather, they are sent to POST by a wide variety of law enforcement agencies throughout Utah. Although POST may influence many officers, POST officers have little direct contact with the public. Accordingly, POST may only influence and persuade for adoption of many of the recommendations.*

### **WORKFORCE: RECRUITMENT/HIRING**

1. ***Agencies in the State of Utah should establish and maintain Equal Employment Opportunity Plans.***

Response: POST participates in the EEO plan of the Department of Public Safety.

2. ***Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.***

Response: POST endeavors to recruit training staff, both full-time, in-house POST staff and adjunct instructors, that reflect the diversity of the State of Utah. POST is limited in recruiting from a limited pool of highly qualified officers with significant law enforcement work experience and formal education. POST has consistently worked toward a diverse support staff and enjoys diversity in its technical (non-sworn) staff. Through the Police Corps program, a component of POST, we aggressively recruit candidates with college degrees among women and minority communities.

3. ***Peace Officer Standards and Training (POST) and law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.***



Response: The cadets trained at POST are selected by a variety of city, county and state law enforcement agencies. POST has no formal role in selecting a cadet applicant, other than assuring that statutory requirements are met. POST uses peer evaluations and staff evaluations to alert law enforcement agencies to potential biases. On occasion, POST's evaluations have been the genesis of dismissal of cadets for improper behaviors motivated by bias.

- 4. *The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Response: See # 2 above.

## **TRAINING**

- 1a. *Peace Officer Standards and Training (POST) certified officers should be required to complete a minimum of four (4) hours per year of diversity training, as part of its forty hour (40) continuing education requirement.***

Response: POST recognizes the importance of continuing cultural competence education. To this end, POST offers high quality in-service training in 4 and 8 hour segments to law enforcement agencies. Individual law enforcement agency executives have discretion to determine the annual in-service curriculum, limited by statutory mandates. POST encourages agencies to sponsor cultural competence and related training, but is not in a position to mandate such curriculum.

- 1b. *Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as:***

- *Race Versus Culture*
- *Hate Groups and Hate Crimes*
- *Gender as a Unique Cultural Heritage*
- *Domestic Violence Training*
- *Sexual Harassment on the Force*
- *Rape Survivor Awareness*
- *Understanding One's Own Biases*
- *Consequences for Racial Bias on the Job: Can I Be Sued?*

Response: POST's new Cultural Competence curriculum is highly regarded by professional trainers and well-received by cadets. The foregoing areas are discussed in the curriculum, and are also addressed in the following courses: Domestic Violence, Peace Officer Liability, Victimology, Sex Crimes.

- 1c. *Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It***

***should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.***

Response: POST has created a new curriculum employing adult learning principles and many interactive exercises. POST assisted in the development of the Utah Multi-Agency Cultural Competence Curriculum. All POST cultural competence instructors are required to complete the UMACCC Train the Trainer. In addition, POST has an in-house trainer qualified to train others to present the Cultural Competence curriculum.

***2a. Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.***

Response: POST does not direct or influence the program of the chiefs' and sheriffs' conferences.

***2b. Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.***

Response: POST cannot mandate an agency's in-service training; nonetheless, POST is presently able to support agencies wishing to implement management and line in-service training by providing instructors and curriculum.

## **INTERPRETATION**

- 1. All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:***
- development of minimal interpreter standards,***
  - utilization of the AT&T Language Line***
  - language training opportunities for law enforcement, including tuition awards and in-house training, and***
  - use of volunteers to provide assistance with both knowledge of language and culture***

Response: POST has recently proposed a doubling of the hours in the Spanish language curriculum. POST is not involved in individual agency decisions concerning translation strategies.

## **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
  - *law enforcement complaint process,*
  - *judicial complaint process,*
  - *other employee complaint process,*
  - *annual report on minority bar, and*
  - *web site information on minority bar and judges, to include tribal courts.*

Response: POST is open to school group tours, and often hosts high schools students in government and criminal justice classes. Staff members use these opportunities to address recruiting issues. As a part of the Department of Public Safety, POST supports the DPS minority recruiting effort by providing testing, counseling and physical fitness training to prospective DPS recruits.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.*

Response: POST's client base is comprised of the law enforcement agencies of the state. POST supports agencies in their community policing and community outreach efforts by providing appropriate training. Additionally, POST staff serve individually in many community organizations.

## **COMPLAINT PROCESSES**

1. *At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.*
2. *The Peace Officer Standards and Training (POST) Council should establish a model complaint process for law enforcement agencies. The POST Council should take into account the following issues:*
  - A. *Every law enforcement agency should have a Citizen's Review Board or a similar review process that investigates allegations of excessive force and other allegations of substantial civil rights violations. This review board should represent a cross section of the community not employed by law enforcement.*
  - B. *Every law enforcement agency should complete the review of the complainant's investigation within a reasonable time period and include a written response*

*with supporting testimony or documents to justify the law enforcement agency's actions or inactions.*

- C. Every law enforcement agency should allow a complainant to file a law enforcement abuse complaint via the telephone.*
- D. Law enforcement agencies should accept anonymous complaints and should include a procedure informing anonymous complainants of the limits of investigations that are inherent to anonymous complaints.*
- E. Law enforcement agencies should allow the complainant to review, for verification of accuracy, a copy of his/her testimony.*
- F. Every law enforcement agency should have the complaint reviewed by the officer's supervisor and by someone other than the officer's immediate supervisor.*
- G. Every law enforcement agency should list general categories of common complaints (ie. verbal, physical, harassment, action conducted by the law enforcement officer) on the complaint process form.*
- H. Law enforcement agencies should work to instill public confidence in the review process by keeping the public informed as to the total numbers and types of complaints filed per year, the types of dispositions on those complaints, as well as information about the complaint process itself.*
- I. Literature describing the complaint process, the complainant's rights to appeal, and the consequences for filing false complaints should be printed in English as well as other languages, and should be available at law enforcement agencies in plain view.*

Response: POST has a complaint and investigation process, entirely independent of any law enforcement agency's complaint process. POST works with individual agencies in investigating complaints of bias and other wrongful conduct. POST provides an extensive training course for agencies in the processing and investigation of complaints against officers. POST requires successful completion of this course prior to granting POST Mid-Management Certification to a supervisor or supervisor candidate. In the event that an agency shirks its duty to investigate and act in cases of alleged bias, POST exercises its independent authority to investigate and, where appropriate, take independent disciplinary action.

## **ADMINISTRATION**

- 1. Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing,*

*reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.*

2. *Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.*
3. *Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.*
4. *Law enforcement agencies should seek funding necessary to install video cameras with audio capability to be used in patrol vehicles and micro-cassette recorders to be utilized on citizen contacts away from the patrol vehicle in order to ensure against profiling based on race and ethnicity.*

Response: POST participated in the extensive efforts of the Law Enforcement Legislative Coordinating Committee to pass legislation addressing racial profiling. POST has also assisted in drafting and presenting a model racial profiling policy for all Utah law enforcement agencies. Presently, POST has proposed a 2 hour course in Basic Training, and a 4 hour course in In-Service Training, addressing racial profiling. This course is entitled "Lawful Traffic Stops" and qualified presenters are being trained through a cooperative effort with the Chiefs of Police Association.

## **DATA**

1. *The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.*
2. *Individual law enforcement agencies should track yearly the following data related to complaint processes:*
  - *Review board members' race and ethnicity,*
  - *Review board members' length of service,*
  - *The officer's race/ethnicity,*
  - *The complainant's race/ethnicity, and*
  - *The overall number of police abuse complaints filed and their dispositions.*
5. *Law enforcement agencies should keep not only accurate, but readily compilable, accessible and reviewable racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (ie. gang-related stops, traffic violations).*

6. ***The Utah Department of Public Safety should modify and improve the Bureau of Criminal Investigation database. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The Utah Sheriffs' Association, the Utah Chiefs of Police Association, Peace Officer Standards and Training (POST), and the Bureau of Criminal Investigation should give strong support for maintaining a statewide, standardized law enforcement software which would consistently report crime and arrest information. These organizations should seek complete and regular reporting from all law enforcement agencies in the state.***

Response: POST supports the efforts of the Department of Public Safety, Bureau of Criminal Identification to provide appropriate data for analysis of complaints and allegations of profiling. POST is not directly involved with this type of data collection and analysis.

## **RESEARCH**

1. ***The criminal and juvenile justice system should implement management information systems that produce information that captures "what works" predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.***
2. ***The Commission on Criminal and Juvenile Justice should sponsor research into the alleged practice of stacking of charges to determine whether minorities receive more charges than non-minorities.***
3. ***The Commission on Criminal and Juvenile Justice should study law enforcement data regarding racial profiling, once sufficient data has been collected by local law enforcement agencies (ie. Salt Lake Police Department, St. George Police Department), and should publish their findings.***
4. ***Law enforcement, in conjunction with other agencies, should support research to define and identify the nature and extent, if any, of racial profiling.***
5. ***The Driver License Division of the Department of Public Safety should request that each applicant for a driver license or state identification card state his or her race and ethnicity in accordance with the categories established by the U.S. Census.***

Response: POST encourages its staff to increase their awareness of current research. Key staff members participate in community and professional committees and boards to ensure that POST is kept current on developments and trends in the community and profession. Particular emphasis is placed on currency in cultural competence and community policing. However, POST does not currently have research and analysis missions.

**Salt Lake Legal Defender Association  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**WORKFORCE: RECRUITING/HIRING**

***1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans***

Response: The Salt Lake Legal Defenders Association is an equal opportunity employer. The Executive Director, personally, interviews and hires the staff members and has been a member of the Task Force for several years. Additionally, the Executive Director has represented this office on many committees within the state dealing with defense issues.

***4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Response: The office has placed ads for professional staff members in minority publications, has attended or had his staff attend job fairs at both Utah law schools and has participated in high school job fairs. The office has been sensitive to the need for minority hiring due to the large numbers of clients of color and varied ethnic background that is serviced by this organization. In the area of non-professional employment hiring, this office has always been at the forefront. This office has bilingual interpreters to assist in the representation of our clients. We have instituted video conferencing within the Utah Department of Corrections to enhance our contact with clients that are in custody.

**TRAINING**

***3a. The Utah Supreme Court's Board of Mandatory Continuing Legal Education should require attorneys practicing in the criminal and juvenile justice systems to complete cultural competency training on a regular basis.***

Response: The Executive Director has made one of his priorities the training of his staff in the area of racial and ethnic sensitivity. Beginning in 2000, the entire staff was given a four hour presentation on ethnic and racial issues by a professor from the University of Utah. Each year, at least one session of the year-long training schedule is dedicated to an issue involving ethnic minorities. These seminars have addressed: Immigration issues, federal versus state prosecutions, language barriers and how to overcome them, racial differences in language and interpretation.

***4. The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal***

***law for violating the condition not to return to the United States without permission from the government.***

Response: This office has trained its lawyers to advise each client with immigration issues concerning the possibility that a plea today may cause serious ramifications in the future, including those of future lawful immigration.

### **COMMUNITY RESOURCES/OUTREACH**

3. ***All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:***
- ***law enforcement complaint process,***
  - ***judicial complaint process,***
  - ***other employee complaint process,***
  - ***annual report on minority bar, and***
  - ***web site information on minority bar and judges, to include tribal courts.***

Response: Individual attorneys within the office have participated in “Law Day,” each May. When requested to attend other functions, this office has always been available and will continue to be available in the future.

8. ***Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community’s needs.***

Response: The Salt Lake Legal Defender Association remains open to the partnerships expressed above. In the future, the office will be investigating any involvement in civic groups that would assist us in representing our clients more completely and competently.

### **ADMINISTRATION**

1. ***Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

Response: Not addressed

6. ***Public defender contracts should be awarded to attorneys who have experience and competency in criminal law.***



Response: The Executive Director and Board have made the Salt Lake Legal Defender Association the premier legal defense office in the State of Utah. This office handles more volume and more difficult cases more often than any other privately operated, publicly funded agency in the state. The attorneys, as a group, have more experience than any other criminal defense office in the state.

- 7. *Law enforcement, prosecutors, and judges should not be decision makers in the award of public defender contracts. Input from others should be sought by those who decide the awards.***

Response: Law enforcement, prosecutors, and judges do not have a decision making role to play in awarding the public defender contract for Salt Lake County. It would be naïve to say that those agencies are not integral in the positioning of this office as the contract placement for legal defense. This office has had in the past and continues to have the support of those agencies for its work.

- 8. *The budget for appointed attorneys should be separate from the budget for county prosecutors. Since funding a public defender office with funds from the prosecutor budget can create the appearance of a conflict of interest, local governments should ensure that the budgets are separate.***

Response: The budget for this office is separate from the prosecutor's office budget.

- 9. *Public defender and prosecutor caseloads should be lightened so as to allow more attention to individual cases.***

Response: Although case loads are substantial, through directed efforts of both the board and the director, the loads have decreased or stayed constant for the last several years.

- 10. *Comparable pay for comparable experience should be given to public defenders and prosecutors so that lateral transfers within the system are possible.***

Response: Comparable pay is still only a goal. Prosecutors, as a whole, are slightly elevated in pay schedule in relation to this office.

- 11. *Public defenders and all criminal defense attorneys should provide their clients with referrals to other agencies that can assist in resolving problems that are not legal in nature and thus outside the expertise of the attorneys.***

Response: This office will, when appropriate, refer cases or issues to other agencies that may be able to assist. It would not be fair to say that those "other," agencies are numerous or capable of assisting in many cases.

## **DATA**

1. *The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.*

Response: The office is committed to compiling this data. We are now asking each new client to “self report,” their race and/or ethnicity in the first interview we have with them. That information is then placed in the files and will be placed in our network computer file.

6. *Salt Lake Legal Defender’s Association and other providers of public defender services in Utah should keep track of the race, ethnicity and primary language of each defendant served. These data should be kept electronically, if possible.*

Response: Each case referred to this office by the courts of Salt Lake County will have as one of its several questions, the issue of race and ethnicity. This information will then be kept with the other information on each case.

10. *Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee’s work environment.*

Response: Where exit interviews are held, a question of racial and ethnic fairness in the workplace will be noted.

## **RESEARCH**

1. *The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.*

Response: This suggestion is now being considered by this office.

9. *The State of Utah should conduct an assessment of how indigent defense services are conducted. The Task Force recommends the establishment of an Indigent Defense Review Council (IDRC) to be active for three years. Membership in the IDRC would be designated by the Legislature and would include one committee member from each judicial district in Utah, minority representation reflective of Utah’s overall population, as well as equal balance between prosecution and defense counsel, and others. IDRC would be charged with studying current delivery efforts in each county with specific attention to standards of fairness as applied to the representation of racial and ethnic minorities. IDRC would be state-funded, and its services divided as follows:*

**Phase One:** *Review existing policies and procedures, as well as historically relevant issues, related to statewide indigent defense.*

**Phase Two:** *Create a report of findings and recommendations for changes and improvements to existing policies and procedures based on the Phase One review. Include in the report the creation of broad statewide standards to apply to each individual county. At the end of Phase Two, the IDRC will report back to the Utah State Legislature regarding their findings and recommendations.*

**Phase Three:** *Implement and supervise the implementation of the changes and improvements recommended in Phase Two. Report progress and final findings and recommendations to the Utah State Legislature.*

**IDRC's mission will be five-fold:**

1. *To study the current delivery of indigent defense services throughout the state.*
2. *To establish standards for provision of indigent defense services statewide.*
3. *To apply those standards effectively and pragmatically to each individual county.*
4. *To monitor compliance with recommended standards.*
2. *To report to the Legislature with findings and recommendations.*

**IDRC specifically should do the following:**

1. *Conduct more detailed research into the specific situations of individual counties regarding caseloads and office resources.*
2. *Conduct more detailed research into the relationship between socio-economic status and race upon treatment by the criminal and juvenile justice system.*
3. *Seriously consider the impact of public defender resources upon racial and ethnic minority populations, particularly when the percentage of the county's minority population exceeds that of the state as a whole.*

Response: Within the Salt Lake Legal Defender Association is a division for writs and appeals for the indigent client. The division chief has been with the office for several years and brings a wealth of information and assistance to the appeal of convictions within the office.

**10.** *A statewide Appellate Public Defender's Office should be created, consistent with the recommendations of the Task Force of Appellate Representation of Indigent Defendants (September 14, 1994).*

Response: To the extent that this office can assist in this goal, we are doing so.

- 12. *More research and information about effective ways to punish hate crimes are needed including “models of intervention” such as mediation, education and training, more intensive probationary provisions, and offender treatment programs.***

Response: To the extent that this goal does not conflict with other ethical duties this office has, we are attempting to assist in its achievement.

## **Statewide Association of Public Attorneys Response to Recommendations of Task Force on Racial and Ethnic Fairness**

The Statewide Association of Public Attorneys (SWAP) is a non-profit corporation which exists for the purpose of furthering the interest of state, county and local prosecutors and other public attorneys. The Association does not have any direct supervisory authority over any prosecutors. Generally, we are engaged in representing the prosecutors' interest before the legislature, rule-making bodies and policy-making committees throughout the state.

The Executive Director was the Association's representative to the Task Force and now serves on the Commission. Other prosecutors from the Salt Lake District Attorney's Office also served on the Task Force and various committees.

### **Hate Crimes**

Early in the history of the Task Force a resolution was passed supporting changes to state law to create a meaningful hate crimes section. Utah has for several years had what is supposed to be a hate crimes law in Section 76-3-203.3. Although prosecutors have from time to time attempted to use that statute it has proved to be unworkable. In harmony with the request of the Task Force, SWAP took a leading role in assisting in the drafting and presentation of a hate crime reform bill to the legislature.

In 1999, Senator Pete Suazo filed Senate Bill 34 which would have created a penalty enhancement for crimes committed against persons due to actual or perceived race, religion, national origin, color, gender, sexual orientation, ethnicity or mental or physical disability. That bill was not well received and was adamantly opposed by many conservative groups as well as some ultra conservative groups. We worked with the Senator and assisted in coming up with a substitute bill. The substitute also failed.

The next year, SWAP assisted in the drafting and support of Senate Bill 14. That bill concentrated on the defendant's bias against a "group" and was an adaptation of a then existing Texas law. In 2001, Senate Bill 37 was another try at the same approach. After working with a number of senators, we were able to fashion a compromise measure which passed the Senate. With a great deal of political maneuvering it did not get a hearing in the House. Considerable political capital was expended on that effort including that of SWAP and the State Sentencing Commission. Opposition was also intensified.

During the next interim period, SWAP engaged in an all out effort to find a compromise measure based on a theory of civil rights enforcement which it was hoped would be accepted by the Republican majority and still satisfy many of the concerns regarding racially and biased-motivated crimes. With the help of Senator David Gladwell new approaches were tried and presented at the interim Judiciary Committee Meetings. At one particular meeting, it looked like progress might be made, the SWAP Executive Director gave a 20 minute presentation and then answered questions from the Committee for two hours. Committee members showed intense interest in solving this problem. Thereafter, an ultra-conservative spokesman expressed opposition to the measure without examination of its contents. At the next interim committee

meeting, previously interested legislators expressed “concerns” about the bill. This effort having obviously failed, the SWAP Executive Director was instructed to refocus energies and SWAP’s political capitol in other directions. During the 2002 General Session, Senator Alicia Suazo (having replaced her late husband) filed Senate Bill 64. Although SWAP conferred with her in the drafting of the bill SWAP did not expend resources toward what had, by this point, had become a symbolic effort.

Although SWAP expended considerable time and political resources on a losing effort, most prosecutors probably still agree that it was the right thing to have attempted.

### **Task Force Recommendations**

In September, 2002, the Task Force issued its recommendations. SWAP responds to those which are directly related to prosecutors.

### **Representation Recommendations**

#### **WORKFORCE: RECRUITMENT/HIRING**

- 1. Agencies in the state of Utah should establish and maintain equal employment opportunity plans.***

SWAP does not have control over these many agencies, but Salt Lake County, and other agencies which we have examined, do have equal employment opportunity plans. Some, such as Salt Lake County, are even implemented with considerable enthusiasm.

- 4. The judiciary and legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

SWAP has formed a Racial and Ethnic Fairness Subcommittee which has determined that the recruitment of minorities into prosecutorial positions is of primary importance. It is felt that the most productive effort is to encourage minority students at the two law schools to pursue prosecution careers. A Deputy Salt Lake District Attorney has begun efforts to do so and is coordinating that project.

#### **TRAINING**

- 3a. The Utah Supreme Court’s Board of Mandatory Continuing Legal Education should require attorneys practicing in the criminal and justice systems to complete cultural competency training on a regular basis.***

This goal has not been realized in the context of mandatory CLE, however, prosecutors plan to put on a program in the upcoming year regarding cultural competency. Several prosecutors have attended cultural competency training in order to assess its value. Mark Nash, who heads the

prosecutors training organization under the Attorney General's Office (the Utah Prosecution Council), attended cultural competency training for that purpose.

4. ***The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.***

Prosecutors are wary of adding any more elements to the warnings already given to the defendant by the court. We are in agreement, however, that defendants should understand the serious consequences under federal law of illegal re-entry.

## **ADMINISTRATION**

7. ***Law enforcement, prosecutors and judges should not be decision makers in the award of public defender contracts. Input from others should be sought by those who decide the awards.***

Those awards are generally made by county governing bodies. There has long been discomfort among county and district attorneys who must represent the state in criminal matters and the county in civil matters. More than a decade ago, this reason was cited by the county attorneys in support of legislation which would allow counties to separate those two functions and have a district attorney for criminal matters and a county attorney for civil matters. However, county budgets and political considerations have prevented expansion of that concept.

8. ***The budget for appointed attorneys should be separate from the budget for county prosecutors. Since funding a public defender office with funds from the prosecutor budget can create the appearance of a conflict of interest, local governments should ensure that the budgets are separate.***

Defender contracts are typically separate from county attorney budgets for the reasons stated. County attorneys are required by law to review contracts and approve them as to form and legality. Discomfort with that necessity is not likely to be alleviated in the foreseeable future.

9. ***Public defender and prosecutor caseloads should be lightened so as to allow more attention to individual cases.***

We could not possibly agree more. The situation seems to be rapidly getting worse rather than improving.

10. ***Comparable pay for comparable experience should be given to public defenders and prosecutors so that lateral transfers within the system are possible.***

This is a sound concept. There is some movement between prosecution and defense within the system. It is not advisable, however, to attempt to tie their pay scales together since that would run contrary to the goals of the recommendations previously mentioned.

- 12. The Legislature, county and local governments should provide additional financial resources to bring all prosecutor and legal defense offices up to the equivalent provided to the Salt Lake District Attorney's Office and Salt Lake Legal Defender's Association.***

It is unlikely that the Utah State Legislature would provide funding to assist counties in increasing the pay of their attorneys. As much as our membership would love the idea of higher pay for rural prosecutors, those salaries are driven by the open marketplace.

## **DATA**

- 1. The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority victims are possible in the future.***

The thirty jurisdictions (29 counties plus the attorney general) who do felony cases do not enter all of their data into a single data base. It has been an ongoing project over the last several years of the Utah Prosecution Council to have a standardized case management system which also feeds into a standardized database. The current version of that case management system does have the capability of entering victim information including ethnicity if the prosecution office using the system opts to enter the data. It was, in fact, included for the reasons stated and in cooperation with the Task Force. At this point, however, only a few jurisdictions are entering the data and that particular portion is not being collected in an central repository.

Salt Lake County is the largest prosecutor of felony crimes in Utah and is not on the standardized system. Salt Lake County does collect victim information including ethnicity. The difficulty in retrieving it and correlating it with other data is considerable, but not impossible if the commission would like conduct a specific study.

- 10. Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.***

Most counties conduct annual training regarding discrimination in the workplace. Salt Lake County, for instance, conducts a very aggressive training program regarding sexual harassment and discrimination of all types including ethnic discrimination. It does not, however, conduct exit interviews to ask the questions suggested.



## **RESEARCH**

### ***11. The Statewide Association of Prosecutors (SWAP) and the Prosecution Council should sponsor a process that represents multiple perspectives to conduct research on whether racial and ethnic bias is reflected in prosecutorial decision making.***

It appears that this is more easily suggested than accomplished. SWAP has consulted with the Social Research Institute at the University of Utah about the feasibility of studying racial disparity. Having had considerable experience in trying to study this issue in the system, he did not believe it would be possible to find enough criminal cases which would be virtually identical and then make a racial comparison of defendants ending up with a statistically significant number. We discussed the possibility of doing a study on artificial circumstance by giving the same police reports to various prosecutors and changing the ethnicity of victims, defendants, etc. The validity of such an approach is somewhat questionable.

The SWAP Racial and Ethnic Fairness Committee determined that effort is better spent on reviewing the process in which prosecutorial decisions are being made and looking for ways to minimize the impact of ethnicity of various parties. There has been a procedure in place for decades in most prosecution offices whereby the facts are presented to the screening attorney on a fact sheet which does not give the name of the persons involved. Pre-screening decision is essentially made by reviewing the statements of witnesses identified by number and other relevant evidence. It is not unusual to occasionally be surprised by the identity of the parties after a screening decision has been made. There are, of course, other decisions made by prosecutors such as plea negotiations where ethnic background is known.

There is a subjective impression among many prosecutors that certain ethnic groups are disadvantaged particularly in misdemeanor cases where prosecutors are not involved in the original charging of the defendant. In those cases, charges are made by the police officer who issues a citation.

There is further concern that some cultures are disadvantaged by being subjected to our legal system. Some prosecutors report that many Hispanic defendants feel it important to take responsibility for the mistakes they have made and pled guilty to all charges when most other people at least talk to the prosecutor and have some of the misdemeanor charges dismissed. It is the feeling of the SWAP Racial and Ethnic Fairness Subcommittee that this is one area which needs to be explored and culture sensitivity training provided for prosecutors throughout the state.

In an effort to response to this request from the Task Force, we have looked at studies in other states where there has been found to be bias in prosecutor decision-making. As it turns out, those studies all show that prosecutor bias becomes a factor where there is mandatory determinate sentencing. Utah has resisted going to determinate sentencing on the philosophical ground that such schemes only shift discretion forward to the prosecutor and away from the judge who ideally should have all sentencing information available at the time of sentence. It appears that we, in Utah, were smarter than we thought. States which have gone to mandatory sentencing in the hope

of eliminating racial disparity have simply aggravated the problem by changing the process from plea bargaining to charge bargaining where the prosecutor has no pre-sentence report and less relevant information. While this information does not necessarily help us find problems in our own system, it, at least, makes us grateful that we did not pursue determinate sentencing schemes.

Our subcommittee is currently of the opinion that the collection of subjective information looks more fruitful than an attempt to gather objective data on this issue. We intend to do so.

***12. More research and information about effective ways to punish hate crimes are needed including “models of intervention” such as mediation, education and training, more intensive probationary provisions, and offender treatment programs.***

SWAP is not about to try again to push hate crimes legislation, however, the Sentencing Commission might be effective in providing resources to sentencing judges who, of course, already have the jurisdiction to order defendants into appropriate education and training.

## Utah State Courts Response to Recommendations of Task Force on Racial and Ethnic Fairness

### **WORKFORCE: RECRUITING/HIRING**

***(1) Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.***

Implementation Status: The Courts have an Equal Employment Opportunity Plan which is updated annually. The current plan can be found at: <http://courtlink.utcourts.gov>

***(4) The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Implementation Status: This is a work-in-progress. The Courts' implementation plan will expand current recruiting efforts into nontraditional areas and enhance upward mobility opportunities for current minority staff members. This will be done by:

1. Develop an ongoing outreach program which would utilize current staff members, particularly minority staff members, to make presentations in local high schools about their roles in court operation, getting the media to run stories on some of the programs that are currently underway, etc. in an effort to educate the public about potential employment opportunities that are available in the court system. The outreach programs should specifically target Indian Nations in districts where Indian Nations are located within a reasonable distance.
2. More emphasis placed on developing alternative sources of minority candidates in rural areas.
3. Develop sources for obtaining more minority volunteers and interns who would in the future be candidates for open positions. Internally, it is necessary to develop a meaningful, basic education/training program for these interns and volunteers.
4. Continue and expand the collaboration with the Department of Workforce Services, school districts, Department of Aging, etc. and utilizing their volunteer programs to "advertise" the court system as a potential employer.
5. Offer un/paid internships to college, vocational or business school students, seeking out ethnic minorities to fill these positions. Targeting the intern pool as a potential candidate pool.
6. Develop contacts in local ethnic minority religious organizations who would distribute and/or post court employment opportunities.
7. Ensure the "Employment Opportunities in the Courts" brochure is available to current staff presenting to the community, etc.

The Human Resources Director introduced this plan at the September 2002 Trial Court Executives' Meeting. These efforts must be implemented at the individual court level.

***(6) The Administrative Office of the Courts should conduct an examination of the racial and ethnic diversity of the courts workforce by judicial district to ensure progress in the goal of increasing workforce diversity. This examination should occur at least annually.***

Implementation Status: This will continue to be conducted annually, through analysis of the "Workforce Composition Report" and the "Utilization Analysis Report". In addition, the Administration Subcommittee recommended development of a "Minority Retention Report" to compile statistics. The report has been developed and termination data is currently collected for inclusion in a statewide annual report.

***(8) The Judicial Council, as part of the justice court certification process, should ensure that all judicial appointing authorities (city council/county government) recognize the importance of cultural diversity in the workplace and should have in place recruiting processes that result in diverse applicant pools. Further, the appointing authority, should retain data relating to the race and ethnic background of applicants for the judicial vacancy for examination by the Judicial Council to monitor compliance with this position.***

Implementation Status: New Judge Orientations for the Justice Courts include Racial and Ethnic Fairness presentations. New Justice Court judges are informed of the leadership history, current efforts, and organizational plans for implementation of racial and ethnic fairness efforts. The Governor was given a Task Force Final Report and opportunity to discuss the outcome with the Task Force Director and a member of the Operations Committee in 2000. The Courts' Ad Hoc Implementation Committee sends a strong letter to Judicial Nominating Committees submitting names for judicial vacancies. The letter emphasizes specific Task Force recommendations and their stance on diversifying the judiciary. The Administrative Office of the Courts added a point to the judicial vacancy application where the applicant can self-report their race. Orientation for new Judicial Nominating Committees will also begin to include highlights of the racial and ethnic fairness efforts and the importance of diversifying the judiciary. The Advisory Council to the Commission has a subcommittee to address the diversification of the Judicial Nominating Committee and collaborates with other community and activist groups, namely the Governor's Hispanic Advisory Council and the Utah Minority Bar Association, to advocate for judiciary diversification.

***(9) Judges should consider the importance of diversity on the bar and bench in the hiring of law clerks.***

Implementation Status: This is currently done informally. This recommendation has not been implemented formally.

## **TRAINING**

***(4) The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.***

Implementation Status: Member of the Courts serves on the Utah State Bar's subcommittee to specifically look at this recommendation. A work in progress.

***(5a) The Judicial Council should ensure that all judges (at all levels of court) and relevant court personnel receive regular training on the appropriate use of interpreters in the courtroom.***

Implementation Status: The Courts' Ad Hoc Implementation Committee sent a strong letter to a Judicial Conference Planning Committee. The letter emphasized specific Task Force recommendations and their stance on ensuring proper information on interpretation services in the courtroom at Judicial (education) Conferences. This is the recommendation prioritized by the Training Subcommittee, whose plan of action includes:

- At the first meeting of 2002, the Judicial Conference Planning Committee agreed that a plenary session on working with interpreters be provided.
- Work with the Interpretation Committee to insure there is no duplication of efforts and to consolidate resources, to ensure the training is relevant to Utah court judges.

***(5b) Judges should receive training on the level of reliability of psychological evaluation results in cases where the mental health practitioner does not speak the same language as the client/defendant, does not have an understanding of the defendant's culture, and in cases where an interpreter is used for the evaluation.***

Implementation Status: This topic was addressed at the District Court Judicial Conference in May 2002. Due to budgetary constraints for the costs of additional training, Adult Probation and Parole announced that these are currently unsound and culturally incompetent. Therefore, bilingual psychological exams are being discontinued until they can be conducted correctly.

***(5c) Mandatory cultural diversity training should address the specific needs of court employees, including judges. The training should focus on cultural competency, not only awareness and sensitivity. The Administrative Office of the Courts should create a curriculum for court employees, including judges. Upon completion of the curriculum, the Administrative Office of the Courts should report to the Judicial Council on the status and implementation of its curriculum.***

Implementation Status: The legislature appropriated one-time funds for FY2002 to provide cultural competency training to all court employees. The trainings consist of two four-hour training sessions spaced one month apart, each facilitated by two experienced trainers, and held between November 2001 and June 2002. The curriculum is adapted from the Utah Multi Agency Cultural Competency Curriculum (UMACCC). The State Court Administrator has mandated that all court employees attend, including court interpreters. Justice Court employees were strongly encouraged, although not required, to attend. Training in the curriculum was provided to the District, Juvenile and Justice Court Judges at their spring conference. The most recent sessions were adapted from the UMACCC. The Utah Judicial Institute is compiling a formal report of the cultural competency training project. In addition, the Ad Hoc Committee has recommended to the Standing Committee for Judicial Education that cultural competency training be required for all new court employees, and there be follow up training options for current employees.

***(5d) Judges should receive training on the rights of individuals to serve on juries and defendants to have a jury that reflects a cross section of the community.***

Implementation Status: This topic was brought to staff for the Education Planning Committee. It will be addressed by this committee for inclusion in future District Conferences.

***(6) Individual judges, at all levels of the courts, and members of the Board of Pardons and Parole should conduct a heightened examination of the sentences they impose to determine whether or not they have, perhaps unintentionally, allowed racism to cloud their judgments.***

Implementation Status: This study has not been initiated yet. Researchers at the Social Research Institute have considered it briefly, although questions about methodology arose. Other research studies have taken current precedence.

## **INTERPRETING**

***(2) The public and Bar should be provided with easily retrievable information on individual rights to an interpreter and the availability of interpreter services. Strategies should include:***

- ***Bar and Court web sites, and***
- ***Audiovisual and pamphlet materials available in multiple languages.***

Implementation Status: The Courts' website <http://courtlink.utcourts.gov/interp/> has extensive information about the profession of court interpreting, including certification information. Information has recently been added informing the public of their entitlement to a court interpreter in qualifying cases. Language regarding the right to an interpreter is also being added to Notices issued by the court. Occasionally there are written articles in ethnic newspapers and other newsletters about interpretation services. Translations of some audiovisual and written materials have occurred and some is in progress.

***(3) The court interpreter certification program should be strengthened and expanded to ensure quality interpretation for all those appearing in court proceedings. Strategies should include:***

- *employing a full time administrator, including local managers, as appropriate,*
- *employing full time interpreters as court employees, where appropriate,*
- *establishing guidelines for contract interpreter selection,*
- *monitoring needs requirements for additional language interpreters and certification testing,*
- *establishing and maintaining a code of professional responsibility, discipline, and grievance procedure, and*
- *conducting a concerted effort to recruit skilled interpreters so that there is a high probability exists that a certified interpreter will always be used.*

Implementation Status: Due to financial constraints, the position of a full-time statewide administrator has not been approved. However, a full-time Interpreter Coordinator has been hired to manage the services in the Third Judicial District, which is the largest district. Interpreter selection guidelines have been completed, as well as the professional code, discipline, and grievance procedure. The certification process is also a means of quality control. The primary reason for not certifying languages other than Spanish at this time is the unavailability of funds to offer the necessary trainings to meet certification requirements. There are currently no full-time interpreter positions. Although this has been studied, it will likely be proposed again as the most effective and economical way to provide interpreter services in large courts.

***(4) Interpreters should be proficiently bilingual and culturally competent to provide the proper language and dialect to an individual before the court. More minorities should be recruited to serve as interpreters.***

Implementation Status: The courts joined the National Center for State Courts' Interpreter Consortium, adopted a Code of Professional Responsibility (ethics), requires that courts use certified interpreters unless not reasonably available (in which case an "approved" interpreter must be used), implemented a certification program for Spanish language, and provides "generic" training for interpreters of all other languages. The interpreters are required to attend the court system-wide cultural competency trainings, and a structured continuing education policy has just been adopted. Recruitment has been informal to date and there are plans in action to make it more formalized and systematic.

***(5) Non-interpreter court employees who have bilingual skills and use those skills as a part of their job duties should be acknowledged through increasing starting salary levels and/or appropriate pay increases.***

Implementation Status: This has been completed and initiated into policy. "Second Language Stipends" are awarded to a limited number of qualifying employees within each judicial district.

***(6) The Judicial Council should assign the responsibility to the Court Interpreter Advisory Panel of conducting a feasibility study to evaluate the need, viability, and placement of a centralized authority for overseeing the administration of certification and delivery of interpreter services for all criminal and juvenile justice agencies.***

Implementation Status: Implementation has been delayed and the Court Interpreter Advisory Panel has responded in a memo dated March 20, 2000. To summarize, a centralized oversight authority is not workable nor practical due to the vast differences in interpreter services and policies across the system. The memo continues that budgetary issues, prioritization, and quality control would be compromised.

***(7) Judges must assume responsibility in determining that the race, ethnicity or primary language of defendants, witnesses, victims, and counsel do not affect the ability of individual jurors to be impartial and should instruct court participants on the role of the interpreter (including the administration of the oath in open court).***

Implementation Status: For several years, these practices have been taught in the New Judge Orientation. They will continue to be part of the curriculum. General training for judges has been placed on the agenda of the Annual Judicial Conference, and these topics will be part of that training.

## **COMMUNITY RESOURCES/ OUTREACH**

***(2b) The Judicial Council's Public Outreach Committee should take the lead in helping communities to understand the court process by considering implementation of the following: civics classes for minority communities, tours of the courts for schools and youth clubs, Meet the Judges nights, and having a Court - Community Outreach effort to link the courts and the public.***

Implementation Status: The Public Outreach Committee has made a number of efforts to implement this recommendation, building on earlier outreach activities. In regard to the specific activities noted in the list above, each of them are being currently implemented except for the civics classes for minority communities. This suggestion will be forwarded to the Outreach Committee for consideration. One of the ideas under consideration for the Outreach Committee is to more systematically gather information on the various outreach activities conducted in the districts and statewide, similar to the survey that was conducted earlier as a part of the session at the 2001 Annual Judicial Conference. If one of the roles of the Outreach Committee is to collect information on these community outreach activities, then this data collection would be important to maintain. A number of Community-Court Forums have been held:

"West High School Advocacy Class"	May 21, 2002
"A Forum on How to Access Available Services"	May 10, 2002
"A Forum on How to Access Available Services"	May 8, 2002
"A Forum on How to Access Available Services"	May 1, 2002
"Get to Know Your Juvenile Court Justice System"	April 30, 2002
"Know Your Rights in the Juvenile Court System"	August 28, 2001
"New Immigration Law"	February 22, 2001



At the January 2002 meeting of the Outreach Committee, a visual template to created to organize the wide variety of outreach efforts that are currently in place (attached). These include such activities as:

- ☐ School-Based Programs
- ☐ Pro Se Services and Programs
- ☐ Community-Court Forums
- ☐ Community Education
- ☐ Volunteer Programs
- ☐ Speakers' Bureau
- ☐ Media Services and Programs
- ☐ Legislative Collaboration
- ☐ District Programs
- ☐ Web Page

Based on a request from the Implementation Committee, the Standing Committee on Judicial Branch Education voted to allow education hours credit for public outreach efforts by judges and court staff. This measure helps to encourage judges and other court personnel to become involved in public outreach efforts in their communities.

Rule changes have been initiated by the Outreach Committee that should have long-range ramifications in encouraging judges to participate in community outreach activities. First, a rule change to the Code of Judicial Administration was submitted to the Judicial Council and approved, and has been published. Rule 3-114 reads:

*“Intent: To foster a greater role for judges in service to the community.*

*Applicability: Consistent with the Code of Judicial Conduct and to increase public understanding and involvement with the administration of justice, the Judiciary is encouraged to: identify and address issues of access to justice within the court system including any physical language or economic barriers that impede the fair administration of justice; educate civic, educational, business, charitable and other groups about the court system and judicial process; take an active part in the community where participation of the judiciary will serve to increase public understanding and promote public confidence in the integrity of the court system.”*

A proposed change to the Code of Judicial Conduct has also been developed by the Committee and has been referred to the Ethics Advisory Committee. If approved, this will be forwarded to the Supreme Court for comment.

**Trial Court Executive Implementation:** A group of Trial Court Executives has been established to track efforts at the local level. They will report periodically to the Trial Court Executives at their regular meetings.

Trial Court Executives have forwarded a list of their current outreach activities to the Implementation Committee. In terms of comparing their efforts to the recommendations, these activities do fulfill this recommendation (2b) and the following one (8). In addition, it is believed that each local district offers court tours as a part of their regular outreach activities. There are many efforts focused on assisting the pro se litigant. In an effort to combine this information with the activities of the Outreach Committee, local efforts are listed below:

- ☐ Foster a collaborative relationship with Hispanic Center and Juvenile Courts (1<sup>st</sup> District)
- ☐ Legal Aid offers free legal advice twice monthly (1<sup>st</sup> District)
- ☐ Davis County Bar offers free legal advice weekly for economically disadvantaged individuals (2<sup>nd</sup> District)
- ☐ Davis County has a case management program for divorce cases, which reduces return visits to court (2<sup>nd</sup> District)
- ☐ Customer service survey available in Spanish (2<sup>nd</sup> District)
- ☐ Outreach efforts include Law-Related Education Project, Kids and the Law Program Law Day, Speaker's Bureau, and Community-Court Forums (3<sup>rd</sup> District)
- ☐ Silver Summit Courthouse collaboration with Park City/Summit County Arts Council provided multi cultural artwork for the building (3<sup>rd</sup> District)
- ☐ Community-Court Forum with NAACP (3<sup>rd</sup> Juvenile)
- ☐ Customer service suggestion box (4<sup>th</sup> Juvenile)
- ☐ Participated in Task Force Public Hearings (5<sup>th</sup> District)
- ☐ Customer service survey (5<sup>th</sup> District)
- ☐ Legal Aid offers free legal advice weekly (6<sup>th</sup> District)
- ☐ Continuous outreach to tribes (7<sup>th</sup> District)

***(3) All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:***

- ***law enforcement complaint process,***
- ***judicial complaint process,***
- ***other employee complaint processes,***
- ***annual report on minority bar, and***
- ***web site information on minority bar and judges, to include tribal courts.***

Implementation Status: The committee feels that law enforcement and the Judicial Conduct Commission should provide their information and conduct outreach on their own programs because they are the experts on the services they offer. Jurisdiction is an issue.

Law Enforcement complaint process: Generally, law enforcement agencies provide this information to complainants when contacted. Unsure if each state and local agency has a specific complaint process. At this time, no current plan to ascertain whether each law enforcement agency has a complaint process. If this arises as an issue within the context of a Community-Court Forum, the appropriate resources and/or staff can be included in the Forum.

Judicial complaint process: People with complaints can contact the Judicial Conduct Commission for information on the complaint process, and they will be mailed an informational brochure. This information is also located on the Utah State Bar's web page.

Other Court Employee complaint process: The 1-800 information line is available for the public to call regarding complaints or information. Posters on the 1-800 line are visibly posted in every court building. These posters are also displayed at all Community-Court Forums. Statewide, there are no specific policies in Human Resources related to complaints against court employees. It is possible that local districts have their own specific policies on this issue.

Web site information on Minority Bar and Judges, to include Tribal Courts: There has been an effort to include information on tribal judges on the court's web page. The webpage link has been established; however, the actual information (content) had not been forthcoming. Members of the judiciary and Administrative Office of the Courts were involved in this effort, which was approximately three years ago. They do not anticipate that they will receive any further information from the tribal courts relative to the content for the web page. At this point, we believe the minority bar has not included any specific information on the Bar's web page. Follow-up on this effort can also be made as part of the implementation plan.

***(8) Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.***

Implementation Status: The implementation of this recommendation is partially a result of the community outreach activities, as described above. Community-court forums are especially critical in establishing ongoing partnerships with community groups, and a wide variety of community groups are being sought for partnerships in forums. Community-Court Forums have been sponsored with the following organizations:

- ☐ Multi-Cultural Legal Center
- ☐ Salt Lake Area Community Action Program
- ☐ West High School
- ☐ Salt Lake Peer Court
- ☐ Salt Lake City NAACP
- ☐ Centro de la Familia (in process)

Likewise, the many activities conducted locally by the TCEs are also critical in building and maintaining these partnerships.

## **ADMINISTRATION**

***(1) Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

Implementation Status: The recommended approaches for implementing are:

- A. Use the Courts's web page as a "safe and central" location for information about hate groups and hate motivated violence.
- B. Ask Utah Judicial Institute to add this topic to its Community-Court Forums
- C. Partner with the Multicultural Legal Center to develop content for web page and forum.
- D. Investigate what other organizations would be willing to put hate crimes information on their web pages.

***(16) The Judicial Council should request annual reports from the Administrative Office of the Courts and the Utah State Bar outlining their progress in implementation of court workforce recommendations.***

Implementation Status: This is the top priority for the Administration Subcommittee. The recommended reporting tools for the Administrative Office of the Courts are maintained and reported by the Human Resources department: the Workforce Composition Report (completed 02/02); the revised format of the Utilization Analysis Report (completed 02/02); the Judicial Applicants Report (completed 06/02); a listing of court positions included in each EEO category on the Workforce Composition and Utilization Analysis reports (completed 02/02); minority retention in court workforce report (Human Resources is presently collecting this data manually). The recommended reporting tools for the Utah State Bar are the Bar Membership by Race and Status report and a narrative report detailing specific implementation efforts undertaken as to each Task Force recommendation directed to the Bar. The Administration Subcommittee recommends reports to be submitted annually to the Judicial Council by the Administrative Office of the Courts (first report is suggested to be due September 2002) and the State Bar submit reports to the Supreme Court (first report is suggested to be due December 2002).

***(17) Court ordered psychological evaluations (i.e., those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client's cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.***

Implementation Status: This recommendation has not been implemented. The Courts' Ad Hoc Implementation Committee has prioritized Administration recommendation #16 for immediate implementation before the other recommendations in this area. We suggest that Rule 4-903 of the Code of Judicial Administration related to uniform custody evaluations be amended to include a requirement that practitioners demonstrate understanding of clients' cultural background and strive for linguistic and cultural similarity with client. It is further recommended to add a question to the court generated Request for Proposal (RFP) that addresses the cultural

competency of the contractor. For instance, “How does your agency address cultural competency?”

***(20) Advocate positions should be created by the Utah State Courts as a means of helping individuals and families through the court process. The availability of an advocate who is knowledgeable about the system, has a bi/multi-lingual capability, and has demonstrated cross-cultural skills would create a perception of a friendlier and more caring system.***

Implementation Status: This recommendation has not been fully implemented. We are working towards implementation by offering Second Language Stipends to court employees with second language skills and also staffing a Bilingual Information Desk. The courts may consider renaming “advocate” position to “resource” (or similar) to avoid conflicts of interest, and develop a network of community volunteers in each judicial district to fill these positions. Recruitment and training could be patterned after that for Court Appointed Special Advocate volunteers. The Courts’ Ad Hoc Implementation Committee has prioritized Administration recommendation #16 for immediate implementation before the other recommendations in this area. Additionally, the budget cuts preclude full implementation of this recommendation at present.

## **DATA**

***(7) Track electronically racial and ethnic data on pre-trial release decisions, including Consent Decree Release (CDR), release to Pre-Trial Services (PTS), and release on own recognizance (OR).***

Implementation Status: This recommendation has not been implemented yet.

***(8) The Administrative Office of the Courts should keep statistics regarding the race and ethnic background of judicial applicants (for appellate, juvenile, and district court positions) throughout the application process. The process for collecting these data should allow applicants to self-identify their race/ethnicity. The data should be used for statistical purposes only. Therefore, data should be collected with the application but separated prior to the review process.***

Implementation Status: The judicial application has been revised to include racial and ethnic self-declarations from applicants.

***(9) The Administrative Office of the Courts’ court employee application form should include some type of form that requests Equal Employment Opportunity data as an optional part of the application. The collection of this data should be used for statistical purposes only. Therefore, the form should not be attached to the application so as to ensure that the information will not***

***be forwarded to the interview process. The data should be self-reported. Two possibilities include use of a self-addressed postcard or foldable mailer.***

Implementation Status: This self-reported information is collected on an unattached form with the application which is separated from the application immediately upon receipt and prior to any processing. The interview/selection committees never receive this information.

***(10) Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.***

Implementation Status: There are standard forms for both annual reviews and exit interviews. We have begun the process of updating these forms to include a racial and ethnic fairness component(s). The 2002 annual performance review form includes this. In addition, the Courts have developed a report to collect termination information on an on-going basis for all employees leaving the system. Information tracked will include name, gender, ethnicity/race, reason for termination, etc.

***(11) Justice courts across the state should maintain data on sentencing decisions by race and ethnicity. Data should be kept in a consistent manner for the purposes of evaluation.***

Implementation Status: This has not been implemented on a statewide basis. The primary reason is due to technological limitations in many Justice Courts.

***(12) The racial and ethnic composition of the qualified jury list and of jury service should be tracked regularly to determine levels of participation by minorities and the representativeness of Utah's jury pool database.***

Implementation Status: see footnote1, following the Research section.

***(14) The Judicial Council should require justice courts to provide statistical information to the Administrative Office of the Courts (AOC) on workforce issues that the AOC tracks for other levels of the court, including racial/ethnic data on judicial applicant pools.***

Implementation Status: At this time, this information is not collected. The primary reason is because the justice court employees are appointed by their local governments.

***(15) The Judicial Performance Evaluation Committee should add the following item to the judicial performance evaluation form to inquire specifically about racial and ethnic bias. Respondents should be asked to rate the justice or judge on the following issue: Engages in any language or behaviors that result in racial, ethnic, or gender bias or the appearance of racial, ethnic, or gender bias?***

Implementation Status: This specific inquiry is not on the evaluation form. It is a more general question: "Behavior is free from bias and favoritism." The respondent ranks the judge on a 5-

point scale. There used to be additional questions focusing on specific areas of bias (race, gender, etc). However when the results were analyzed after several years, they were no different from the results of the general question. At the time, the Committee was looking for ways to shorten the survey and reduce the demands on the lawyers' time, so several specific questions were eliminated.

## **RESEARCH**

***(1) The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.***

Implementation Status: This study has not been initiated yet. Researchers at the Social Research Institute have considered it briefly, although questions about methodology arose. Other research studies have taken current precedence.

***(13) The Judicial Council should determine methods for increasing the racial and ethnic representativeness of juries.***

Implementation Status: see footnote1, following the Research section.

***(14) The Administrative Office of the Courts should sponsor significant research on the source lists for the jury master list, the jury qualification process, and the use of peremptory challenges for racial and ethnic bias. Research should also study whether and to what extent jurors feel they have been the object of racial or ethnic bias in their capacity as jurors.***

Implementation Status: see footnote1, following the Research section.

***(15) The Administrative Office of the Courts should sponsor research to determine whether the absence of minorities on juries results in an inability to receive a fair trial. The study should compare conviction rates of minority defendants by juries with minority representation.***

Implementation Status: see footnote1, following the Research section.

***Footnote 1:*** Many of the Courts-specific recommendations pertained to racial and ethnic representation on juries and related issues. For this reason, the Data/Research Subcommittee has prioritized Jury Issues and submitted the following summaries:

### **Jury Pool Lists**

Efforts to ensure that the Utah jury pool is more representative of the general Utah population are underway independent of the Implementation committee. Plans have been announced to acquire source juror names from sources other than voter registration records and the Utah Drivers'

License Division. It is anticipated by the project leader that these efforts will go into place in the next six months. While this jury pool improvement project is not targeted at ensuring juror racial and ethnic representation specifically, it is assumed that any work that improves the representative nature of the jury pool will result in greater representation of racial and ethnic minorities.

### **Juror Summons Process**

A separate area of concern regarding racial and ethnic representation on juries involves how court procedures may inadvertently skew the number of racial and ethnic minorities who actually serve on juries. A Second Judicial District jury clerk raised concern that a larger than expected number of Hispanic surnames appeared on the second notice call for jurors. By way of explanation, jurors are summonsed to jury duty with a juror questionnaire. If the juror does not respond to the initial summons, a second notice is sent. If the second notice is not responded to, an Order to Show Cause is typically issued. This is where local court/sheriff's office practice varies somewhat. The First Judicial District with the cooperation of their sheriffs' offices gets a final resolution to the jury summons through the Order to Show Cause. The Second Judicial District (Ogden) issues an Order to Show Cause as well, but often the Orders are not served in a timely fashion. In effect, a jury summons in Second District (Ogden) is less likely to be resolved by appearance or dismissal than a jury summons in the First District. This raises some interesting questions.

The results of the data query to see if there is a racial disparity among those who do not respond to a jury summons was sparked from this hypothesis that there is an overabundance of Latinos with Ogden zip codes who are not responding to jury summons. An analysis comparing the Jury Pool responses of individuals with Hispanic surnames and the overall response rates was conducted to find out if this disparity exists, why, and how to improve the response rate. The results identified a considerable increase of incorrect addresses for those with Hispanic surnames. The Jury Committee is determining the effectiveness of the National Change of Address service in Denver and will decide if this is an efficient solution for the disparate numbers. This project currently has high priority status in the Information Technology department.

### **Increasing Native American Representation on Juries**

Efforts continue to increase Native American representation on juries in San Juan County. The Navajo Nation is now submitting names for jury lists, although continuation of this is dependent upon funding issues.

### **Collecting Racial Data During Juvenile Intake**

Juvenile court has increased its racial data collection during juvenile intake from less than 50% in 2000 to reportedly over 90% in 2002.



**Division of Youth Corrections  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**WORKFORCE: RECRUITMENT/HIRING**

***1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.***

The Division, as an agency of the State of Utah maintains an Equal Employment Opportunity Plan. The State of Utah, through the Division of Human Resource Management has a plan.

***4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

The Division has an excellent record of recruitment in minority communities, and, does have a representative pool of minority employees. The Division takes pride in the fact that the employee pool, including administration and management is reflective of the larger community, (see attachment).

***11. The Juvenile Courts and the Division of Youth Corrections, including their contract service providers, should establish policies and practices to increase their ability to recruit minority applicants.***

The Division will work towards rating and reviews that credit the efforts of its contract agencies.

**COMMUNITY RESOURCES/OUTREACH**

***3. All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:***

- *law enforcement complaint process,*
- *judicial complaint process,*
- *other employee complaint process,*
- *annual report on minority bar, and*
- *web site information on minority bar and judges, to include tribal courts.*

The Division has complaint processes for youth in custody, constituents, and employees:

- 1) Youth-are given program and agency rules, (including limits on rules). If youth

feel they are mistreated there is a formalized grievance system leading up to an administrative hearing before an independent hearing officer.

- 2) Any citizen may file a complaint with the Division. Complaints may be resolved at the local, or state level.
- 3) Employees may issue complaints pursuant to Human Resources policy. The complaint process may go through the State system, through UALD, or in protected class matters, may be filed directly with the Federal Courts.

The Division enhances public trust and confidence with an active speakers bureau. Throughout the course of a year, Division employees speak to schools, civic groups, media, or other community groups.

**8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.***

The Division maintains ongoing partnerships with community institutions by various means including: Staff who are actively involved with local and grass roots level community groups. In addition, Division staff and youth are involved in many and numerous community service projects.

## **ADMINISTRATION**

**1. *Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of crimes, and to report complaints about handling of their cases.***

No response.

**18. *Juvenile justice system services should be provided to the entire family to insure that family issues that may contribute to delinquent behavior are addressed as well as those of the minor.***

The Division embraces this philosophy. During the last fiscal year alone over 69,000 hours of family therapy were delivered and paid for on a contract basis.

**22. *The Division of Youth Corrections should include cultural competency as one criteria in its review of contract treatment programs. The ability to serve clients and families whose first language is not English should also be considered.***

The Division utilizes culturally competent contractors as a means of delivering the aforementioned services. Currently the Division has several contracts for service with providers who deliver culturally competent services. However, the Division also acknowledges some weaknesses in this system, and will attempt to recruit a larger pool at the time of the next request for proposals.

***23. Treatment programs need to improve their content to recognize that cultural and ethnic differences exist and adjust the program content to better serve the needs of all clients served. Culturally and ethnically appropriate mentor programs should be designed and implemented.***

The Division supports this recommendation while acknowledging weakness in some of the contract treatment programs, and will attempt to bolster this service area in contracting. At the same time, the Division again, notes that its internal programs are designed and run by a diverse staff. Currently, the Division has one mentor program, operated by Colors of Success (Boys Club).

## **DATA**

***1. The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.***

Crime victim data is the purview of the Juvenile Court through the Juvenile Information System.

***10. Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.***

The Division has experimented with employee exit interviews, but as yet, has not adopted a formal process for assessing fairness in the work environment.

***17. The Division of Youth Corrections should collect socio-economic data in its database in order to facilitate a future examination of the relationship of social class to custody issues.***

Pending the completion of the new data system, the Division will make efforts to collect this data.

## **RESEARCH**

***1. The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.***

The Division is just launching several new initiatives aimed at improving the justice system. Included in the new efforts are a) risk assessment, b) graduated sanctions, c) a balanced approach methodology, and d) program evaluation. These initiatives will allow for more precise measurement into “what works”.

***17. The Juvenile Courts, the Department of Child and Family Services, and the Division of Youth Corrections should jointly examine the relationship between custody and socio-economic status. Specifically, the research should attempt to establish if a relationship exists between income level and custody decisions.***

The Division would work with the Courts and DCFS in this proposed project. This, would require leadership from the Juvenile Court as all DYC and DCFS cases turn on Court decisions. The Court also sees many more youth than are in custody populations.

***18. The Juvenile Courts and the Division of Youth Corrections should conduct qualitative reviews involving youth who successfully exit the system.***

The Division agrees, and will attempt to get this into its research agenda this year.

# Race, Gender, and Job Type

## Division of Youth Corrections Staff

### Job Type

Ethnicity	Administrative			Service Delivery			Support		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
<b>Caucasian</b>	74 57.3%	34 26.4%	108 83.7%	300 46.2%	212 32.6%	512 78.8%	20 15.6%	95 74.2%	115 89.8%
<b>Other</b>	18 14.0%	3 2.3%	21 16.3%	103 15.8%	35 5.4%	138 21.2%	4 3.2%	9 7.0%	13 10.2%
<b>Total</b>	92 71.3%	37 28.7%	129 100%	403 62.0%	247 38.0%	650 100%	24 18.8%	104 81.2%	128 100%

### Total Division Staff

Ethnicity	Male	Female	Total
<b>Caucasian</b>	394 43.4%	341 37.6%	735 81.0%
<b>Other</b>	125 13.8%	47 5.2%	172 19.0%
<b>Total</b>	519 57.2%	388 42.8%	907 100%

## Utah Department of Corrections Response to Recommendations of Task Force on Racial and Ethnic Fairness

### **WORKFORCE: RECRUITING/HIRING**

***(1) Agencies in the state of Utah should establish and maintain Equal Employment Opportunity plans.***

Implementation status: **COMPLETED AND INITIATED INTO POLICY**

- Corrections has had an EEO plan in effect since 1988.
- The plan is updated and reviewed every two years and submitted to the Office of Civil Rights for approval.
- Our most recent plan was submitted and approved in June 2002.
- A committee of representatives from each division has been established to implement the plan.

***(4) The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Implementation status: **PROCESS ESTABLISHED**

- Corrections has a Diversity Coordinator who directs our minority recruiting program.
- Corrections is emphasizing recruiting at ethnic events and festivals to make contact with the minority community.
- Meetings have taken place with the directors of the Governor's Office of Ethnic Affairs, the NAACP, and leaders of the Latino community to solicit suggestions and support for our recruitment efforts.

***(10) The workforce of Adult Probation and Parole and the Department of Corrections should establish policies and practices to increase their ability to recruit minority applicants. Hiring practices should be evaluated for their effect on minority applicants. Corrections should seek minority employees actively as new hires or on a contract basis, such as for pre-sentence investigators.***

Implementation status: **A WORK IN PROCESS**

- During the last year, Corrections Human Resources Bureau reviewed the correctional officer testing and hiring process and its impact on minority applicants.
- Improvements have been made to simplify the application and qualification process.
- A problem with a higher rejection of ethnic minority than white applicants has been identified.

- Under the direction of our Human Resources Bureau, a task force will be formed to review the process and see what can be done to improve the approval rate.

## **TRAINING**

*(7) Pre-sentence investigators (PSI) should receive training on the importance of adhering to sentencing guidelines and their affirmative duty to justify departures to specificity.*

Implementation status: **PROCESS ESTABLISHED**

- All PSI writers receive initial training on the sentencing guidelines and documentation required for deviation from the guideline.
- Documentation is required whenever there is a deviation.
- A supervisor reviews all recommendations, and questions arising from deviations are addressed.
- Corrections will work with the Sentencing Commission to develop yearly guideline training.

*(8) Training on the nature and impact of racial and ethnic bias within the system should be mandatory for the Department of Corrections and Board of Pardons and Parole employees, including pre-sentence investigators (staff and contract). Mandatory training should include communication skills, and the minority defendant. This training should assist employees in understanding different cultures.*

Implementation status: **PROCESS ESTABLISHED**

- Pre-Service Academy provides 8 hours of training in:
  1. Introduction to Cultural Competency
  2. Cross-Cultural Communications Skills
  3. Cultural Differences and Historical Perspectives
  4. Prejudice Reduction, Labels, Stereotypes
- This training uses the Utah Multi-Cultural Competency Curriculum for Pre-Service Training adopted by POST and involved 192 participants in seven sessions during the past year.
- This curriculum is also being used for Division of Institutional Operations (DIO) and Utah Correctional Industries (UCI) staff in their training meetings and will involve Adult Probation & Parole (AP&P) during the coming year.
- Two hours of Cultural Competency is offered every year in In-Service Training.
- New civilian staff receive two hours of cultural competency training.
- 1<sup>st</sup> Line Supervisors receive three hours of cultural competency training.

## **INTERPRETING**

*No specific directives were given to Corrections.*

Implementation status: **COMPLETED**

- Ethnic Minority Resource Officers at the Draper and Gunnison facilities handle interpreting at their Board of Pardons hearings, Offender Management Reviews and any other situations as needed.
- A directory has been compiled of Corrections staff personnel who speak languages other than English so they can be called upon to interpret as needed.
- Correctional officers receive five hours of Spanish language training in their Pre-Service Academy to give them some fundamental skills and phrases to use in their dealings with Spanish speaking inmates.

### **COMMUNITY RESOURCES/OUTREACH**

*(3) All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*

- *Law enforcement complaint process,*
- *Judicial complaint process,*
- *Other employee complaint process*
- *Annual report on minority bar, and*
- *Website information on minority bar and judges, to include tribal courts.*

Implementation status: **PROCESS ESTABLISHED**

- DOC is a member of the Cultural Competency Consortium composed of state agencies and private companies.
- DIO has a public awareness program in which schools and community groups are invited to our Draper site for an educational program.
- An inmate panel of white and minority offenders presents the program.

*(8) Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions to best meet the community needs.*

Implementation status: **A WORK IN PROCESS**

- Focus group meetings attended by representatives from the ACLU, Disability Legal Center, Prison Information Network, and the Citizens for Penal Reform have been held monthly since 1998.
- Our Draper facility has partnered with faith based organizations to provide volunteers to assist inmates in their educational and religious goals.

### **COMPLAINT PROCESSES**

*No specific directives were given to Corrections.*

Implementation status: **PROCESS IN PLACE**



- Our Draper and Gunnison sites have an established process to handle inmate complaints, utilizing the Ethnic Resource Officers assigned to their facilities.
- All three departments (AP&P, DIO and UCI) that deal with inmates attend the monthly focus group to receive input and complaints from those present.
- Complaints received through the mail or telephone are handled by our Director of Public Affairs and referred to the correct department for resolution.

## **ADMINISTRATION**

***(1) Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of crimes, and to report complaints about handling of their cases.***

Implementation status: **NOT IMPLEMENTED**

- Department will focus on ways to implement this finding.
- Possible recommendations or focus could involve:
  1. Hate crimes within the prison populations.
  2. Use of DOC website for information collection and disbursement.
  3. Use of Corrections focus meetings to gather and disseminate the information.

***(13) In order to develop race-neutral release policies, Utah's criminal justice system should adapt objective criteria for pre-trial release.***

Implementation status: **A WORK IN PROCESS**

- Corrections' Adult Probation & Parole (AP&P) agents are used by the courts to compile and write Pre-Sentence Investigation (PSI) reports from a 3<sup>rd</sup> party perspective.
- Sentencing recommendations are made by AP&P agents to the courts based on the information they receive from these reports.
- A review will be made by AP&P to ensure that the reports are written from a race-neutral perspective.

***(14) The pre-sentence report header should not include race/ethnicity of the accused victims. At no time should race/ethnicity be considered in the pre-sentence evaluation except when that information is an integral component to the pre-sentence evaluation such as police report description or in hate crimes. The data, however, should be collected and maintained separately and electronically if possible.***

Implementation status: **COMPLETED**

- The header does not give information on the race or ethnicity of the defendant.

- Information on the need for an interpreter and what language is needed is included at the front of the PSI.
- The “Background and Living Situation” section includes information on where the defendant was born or grew up which might tell something about race or ethnicity.
- Data on race and ethnicity are collected and maintained electronically in the O-Track data base.

***(15) Upward departure recommendations on pre-sentence investigations should, by policy, require review by a supervisor. Records shall be kept in a searchable form of all approvals for upward departures.***

Implementation status: **PROCESS IN PLACE**

- All PSI recommendations are reviewed by a supervisor – upward, downward, or no departure.
- Current electronic records do allow upward departures to be identified.
- This information can be used to locate files to check for supervisor approval.
- Our current PSI writers are a mix of staff and contractors.
- Almost 35% of our PSI writers have never worked for Corrections and may not have received our cultural competency training. However, many of these individuals worked for other criminal justice agencies and received training through them.

***(17) Court ordered psychological evaluations (ie. Those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client’s cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.***

Implementation status: **A WORK IN PROCESS**

- All evaluations are made by practitioners who carry the appropriate license from the state.
- Since most evaluations are performed by a contract provider, cultural competency training could be required.
- Measuring the practitioner’s basic understanding or each client’s background would be difficult.

## **DATA**

*(1) The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.*

Implementation status: **NOT APPLICABLE**

- Corrections does not collect data on the race or ethnicity of victims.
- Our recommendation is that this be tracked through BCI and the arrest records.

*(10) Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.*

Implementation status: **A WORK IN PROCESS**

- We are currently reworking our exit interview process and will include questions on racial and ethnic fairness in the work place.
- We are investigating the possibility of conducting annual or bi-annual questionnaires of staff which would include questions on racial or ethnic bias encountered in the work place.

*(16) The Department of Corrections should keep racial and ethnic statistics regarding the demographics of the prison, probation and parole populations, including: offense by type(s); recommendations of pre-sentencing reports; sentencing guidelines compared to sentences by courts to probation, prison; length of stay compared with sentencing guidelines; probation or parole rates; and those with illegal alien status, so that the impact of efforts toward increasing racial and ethnic fairness can be properly monitored.*

Implementation status: **COMPLETED**

- Corrections offender tracking database, O-Track, includes data on the race and ethnicity of offenders.
- This allows us to give racial and ethnic profiles on:
  1. Population demographics
  2. Offense categories
  3. PSI recommendations
  4. Sentencing recommendations
  5. Length of stay compared to guidelines
  6. Probation and parole violation rates
  7. Rates of successful termination

## **RESEARCH**

*(1) The criminal and juvenile justice system should implement management information systems that produce information that captures "what works" predicated on guiding principles*

*that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.*

Implementation status: **A WORK IN PROCESS**

- Corrections continues to be involved in research and evaluation of programs.
- We are currently developing a comprehensive database on programming and program participation which will improve our ability to look at results and outcomes.
- Our new programming initiatives include greater integration of families and community organizations with emphasis on faith-based groups.

**Board of Pardons and Parole  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**WORKFORCE: RECRUITING/HIRING**

***(1) Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.***

Implementation Status: The Utah State Board of Pardons and Parole (the Board) is a state agency which follows the anti-discrimination policies set forth in Department of Human Resource Management (DHRM) Administrative Rule 477-2 (see Attachment 1), which provides for fair and equal employment opportunity within all state agencies. The Board has and will continue to handle Equal Employment Opportunity issues and concerns in accordance with that rule and other applicable federal and state regulations and policies.

***(4) The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Implementation Status: The Board supports the enhancement of minority recruitment efforts and the attraction of qualified minority applicants within the legal and criminal justice fields since many Board applicants come from those fields. Over the years, Board members and staff have participated in community and educational efforts, such as job-fairs, higher education seminars, and community meetings, to discuss the role of the Board in Utah's criminal justice system and opportunities for employment at the Board. Agency personnel will continue to support efforts designed to make the criminal and juvenile justice systems more representative of the diverse populations within the state.

***(10) The workforce of Adult Probation and Parole and the Utah Department of Corrections should establish policies and practices to increase their ability to recruit minority applicants. Hiring practices should be evaluated for their effect on minority applicants. Corrections should seek minority employees actively as new hires or on a contract basis, such as for pre-sentence investigations.***

Implementation Status: The Board believes it has an excellent track record in hiring and recruiting minorities (see Attachment 2). The last full-time member (black male) and Pro Tempore member (black female) appointed to the Board by Governor Leavitt were minority candidates. Each appointee not only was endorsed by the Board, but the Board recruited the candidate and recommended to the candidate that he/she apply for the appointment.

The newest Hearing Officer hired by the Board is also a minority (Asian male). In fact, of the last five Hearing Officer or Administrative hires, four were either minorities or women.

## **TRAINING**

***(6) Individual judges, at all levels of the courts, and members of the Board of Pardons and Parole should conduct a heightened examination of the sentences they impose to determine whether or not they have, perhaps unintentionally, allowed racism to cloud their judgements.***

Implementation Status: The results of research conducted by the Social Research Institute for the Task Force found that for the offenses with a large enough number of cases for analysis, “there does not appear to be significant differences between minorities and Whites on the length of stay in prison.” Overall the conclusion was reached that “the length of stay in prison for specific offenses appears to be similar for minorities and Whites.” The quotes are taken from the Social Research Institute’s December 1999 Summary of the Adult System Research, published on pages 146-152 of the September 2000 Task Force Report.

As a practical matter, it is the norm for most of the Board members voting on a case to be unaware of the offender’s race or ethnic background. And while an inmate’s picture or race may be located somewhere in the file, rarely does a Board member search out that information in reaching his or her decision. Likewise, the Board member or Hearing Officer conducting the hearing normally does not identify the race or ethnicity of the offender or victim(s) in his or her summary to the Board unless that information is pertinent concerning the merits of the case. In cases where the entire Board knows the race or ethnicity of the offender or victim(s), the possibility of racial or ethnic bias influencing the case is often discussed in Board deliberations as the Board moves toward reaching a decision.

***(8) Training on the nature and impact of racial and ethnic bias within the system should be mandatory for Department of Corrections and Board of Pardons and Parole employees, including pre-sentence investigators (staff and contract). Mandatory training should include communication skills and the minority defendant. The training should assist employees in understanding different cultures.***

Implementation Status: A Board Member, and its Administrative Coordinator and Senior Hearing Officer, attended the Utah Multi-Agency Cultural Competency Curriculum (UMACCC) Training held by the Multi-Cultural Legal Center on June 3, 2002. Arrangements have been made with an certified Cultural Competency instructor at POST to present the UMACCC training to the remaining Board members and entire staff in training sessions to be held before the end of the current fiscal year; thus, every agency employee will have completed the cultural competency training by July 1, 2003.

## **INTERPRETING**

***None directed to the Board of Pardons and Parole.***

While no recommendations were directed to the Board, the Board provides the following concerning interpretation services for inmates, parolees and victims who testify at Board hearings:

Inmates, parolees and victims (or a victim representative) testifying before the Board are entitled to interpreters. DOC normally makes arrangements for interpreters for inmates and parolees through prison staff assisting with the Board's preparation for the Board hearing. Prior to the hearing, the prison notifies the Board whether an inmate or parolee needs an interpreter. If adequate interpretation cannot be provided through DOC, the Board then hires an interpreter for the inmate or parolee. For example, the Board recently paid for Arabic interpretation services for an inmate (see Attachment 3) and expended great effort to find and hire an interpreter for a Micronesian inmate who speaks Chuuk (even though the Courts and DOC utilized a family member for their interpretation services).

Interpretation services for victims are arranged through the Board's Victim Coordinator, and in most cases where the same services are needed for the inmate and victim(s), the same interpreter is used at the hearing. Currently the Board-produced Victim's Handbook does not explicitly notice the victim of his or her right to an interpreter. Such will be remedied in the next edition of the Victim's Handbook. Information on interpretation services for inmates, parolees and victims will be placed on the Board's web site <http://bop.utah.gov> when the site is next updated.

## **COMMUNITY RESOURCES/OUTREACH**

***(3) All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:***

- ***law enforcement complaint process,***
- ***judicial complaint process,***
- ***other employee complaint processes,***
- ***annual report on minority bar, and***
- ***web site information on minority bar and judges, to include tribal courts.***

Implementation Status: The Board feels that law enforcement, the Judicial Conduct Commission, and the Utah State Bar should provide their information and conduct outreach on their own programs because they are the experts on the services they offer. Jurisdiction is also an issue.

Board complaint process: Complaints against the Board may be directed or forwarded to the Governor's Office, which then forwards the complaint to the Board for a response. The Board's Administrative Coordinator handles any complaints received by the Board, against the Board as an agency, or concerning an individual employee, after consultation with the employee's supervisor and/or the Chairman of the Board, for appropriate action and response.

Web site information on Board: The Board's web site will be reviewed periodically to ensure that

information concerning the Board is timely and accurate. Currently, the Board web site contains information on the Board's Mission, Vision and Values; Full-time Board members; History of the Board; Board Organization; Types of Board Hearings and Reviews; Board Administrative Rules; Board's Victim Handbook; and How to Contact the Board. A major update of the web site should be completed before December 31, 2002.

***(8) Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.***

Implementation Status: Board members and staff serve(d) and play(ed) key roles on several important boards, committees, task forces and groups, including this Commission, the Task Force on Racial and Ethnic Fairness in the Legal System, the Utah Sentencing Commission, the Commission on Criminal and Juvenile Justice and the Interstate Compacts Commission, as well as on task forces dealing with sentencing guidelines, mental health issues, criminal statutes, and law enforcement and correctional issues. Moreover, several agency personnel maintain membership in the Utah State Bar. Board members and staff frequently address civic, educational and religious groups. For example, a Board member recently participated in the Utah State Bar sponsored "Dialogue on Freedom" initiative, presenting at Highland High School on September 12, 2002. Over the years the Board has enjoyed a positive relationship with the Utah Department of Community and Economic Development and its Ethnic Affairs Offices, presenting to community groups and at community forums whenever invited.

The agency also sends representatives to conferences and seminars sponsored by entities such as the Association of Paroling Authorities International (APAI), American Probation and Parole Association (APPA), Utah Sheriffs Association, Utah Correctional Association, Utah State Bar and the Utah Minority Bar Association. In April 2002, the Board hosted the Eighteenth Annual APAI Training Conference held in Salt Lake City, with nearly 200 U.S. and international attendees. Three separate workshops on racial/ethnic and gender issues were part of the training curriculum.

## **ADMINISTRATION**

***(1) Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

Implementation Status: The Board has actively participated in the political debate on hate crimes. In reaching a decision, Board members consider the impact of offenses against individual victims as well as against targeted groups.

***(13) In order to develop race-neutral release policies, Utah's criminal justice system should adopt objective criteria for pre-trial release.***



Implementation Status: While the Board is not involved in the pre-trial release of offenders, the Board does consider objective criteria in its post-adjudication release decisions. The Guideline matrices (see Attachments 4a and 4b for sex offenses and non-sex offenses) use objective criteria to assess a criminal history category that equate to the recommended Guideline time frame for imprisonment based upon the classification of the offense(s). While not bound by the Guideline time frame, the Board uses it as a helpful tool in reaching a release decision. Moreover, the Board uses other objective criteria not reflected on the Guideline matrices, such as offender's programming effort, prison disciplinary history, and employment history, to name a few, in making its decisions. Many of the considerations used by the Board in reaching a decision can be found on its Decision Rationale Form (see Attachment 5).

***(17) Court ordered psychological evaluations (i.e., those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client's cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.***

Implementation Status: The Board contracts with three independent psychologists for Sexual Psychological Evaluations commonly referred to as "Alienist Reports." Of the three providers, one is a minority female with bi-lingual and cultural competency skills. When needed for either psychosexual evaluations or Alienist Reports, skilled interpreters with language proficiency and cultural understanding specific to the offender are hired by the Board to facilitate the completion of an accurate evaluation. Need is not determined by any formal standard or criteria, rather anyone involved with the processing of the inmate will express the need for an interpreter, and that service is provided. If a case arose where an interpreter was not used to assist in the evaluation and the offender claimed this barrier impeded the process, another evaluation would be ordered.

## **DATA**

***(1) The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.***

Implementation Status: The Board suggests its gathering of this data would result in inaccurately skewed data and profiles concerning victims which would be unreliable for the formation of public policy. The Board feels it would be better to collect the data at or near the beginning of the

criminal justice process rather than at the end.

***(10) Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.***

Implementation Status: Confidential exit interviews for Board employees regarding the employee's overall experience, including the employee's perception of fairness in the work environment, have been and will continue to be conducted by the Chairman of the Board.

## **RESEARCH**

***(1) The criminal and juvenile justice system should implement management information systems that produce information that captures "what works" predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.***

Implementation Status: The Board agrees that such a capture should be made. However, given that DOC maintains the information technology system to do so, and receives the appropriate funding to carry out this recommendation, the Board believes DOC to be the appropriate agency to address and implement this concern.

## Board of Pardons and Parole Attachments

### R477-2-1. Rules Applicability.

These rules apply to all career and non-career state employees except those specifically exempted in Section 67-19-12.

- (1) Certificated employees of the State Board of Education are covered by these rules except for rules governing classification and compensation, found in R477-3 and R477-6.
- (2) Non-state agencies with employees protected by the career service provisions of these rules in R477-4, R477-5, R477-9 and R477-11 are exempted by contract from any provisions deemed inappropriate in their jurisdictions by the Executive Director, DHRM.
- (3) Unless employees in exempt positions have written contracts of employment for a definite period of time, they are "at will" employees. The following employees are exempt from mandatory compliance with these rules:
  - (a) Members of the Legislature and legislative employees
  - (b) Members of the judiciary and judicial employees
  - (c) Elected members of the executive branch and their direct staff who are career service-exempt employees
  - (d) Officers, faculty, and other employees of state institutions of higher education
  - (e) Any positions for which the salary is set by law
  - (f) Attorneys in the attorney general's office
  - (g) Agency heads and other persons appointed by the governor when authorized by statute
  - (h) Employees of the Department of Community and Economic Development whose positions have been designated executive/professional by the executive director of the Department of Community and Economic Development with the concurrence of the Executive Director, DHRM.
- (4) All other exempt positions are covered by provisions of these rules except rules governing career service status in R477-4, R477-5, R477-9 and R477-11.
- (5) The above positions may or may not be exempt from federal and other state regulations.

### R477-2-2. Compliance Responsibility.

Agencies shall manage their own human resources in compliance with these rules. Agencies are authorized to correct any administrative errors.

- (1) The Executive Director, DHRM, may authorize exceptions to provisions of these rules when one or more of the following criteria are satisfied:
  - (a) Applying the rule prevents the achievement of legitimate government objectives;
  - (b) Applying the rule impinges on the legal rights of an employee;
- (2) Agency personnel records, practices, policies and procedures, employment and actions, shall comply with these rules and are subject to compliance audits by the DHRM.
- (3) In cases of noncompliance with the State Personnel Management Act, Title 67, Chapter 19, and these rules, the Executive Director, DHRM, may find the responsible agency official to be subject to the penalties prescribed by Section 67-19-18(1) pertaining to misfeasance, malfeasance or nonfeasance in office.

### R477-2-3. Fair Employment Practice.

All state personnel actions must provide equal employment opportunity for all individuals.

- (1) Employment actions including appointment, tenure or term, condition or privilege of employment shall be based on the ability to perform the essential duties, functions, and responsibilities assigned to a particular position.

(2) Employment actions shall not be based on race, religion, national origin, color, sex, age, disability, protected activity under the anti-discrimination statutes, political affiliation, military status or affiliation or any other non-job related factor, nor shall any person be subjected to unlawful harassment by a state employee.

(3) Any employee who alleges that they have been illegally discriminated against, may submit a claim to the agency head.

(a) If the employee does not agree with the decision of the agency head, the employee may file a complaint with the Utah Anti-Discrimination and Labor Division.

(b) No state official shall impede any employee from the timely filing of a discrimination complaint in accordance with state and federal requirements.

(4) Employees are protected from employment discrimination under the following laws:

(a) The Age Discrimination in Employment Act of 1967, 29 USC 621, as implemented by 29 CFR 1625(1999). This act prohibits discrimination on the basis of age for individuals forty years and over.

(b) The Vocational Rehabilitation Act of 1973, 29 USC 701, as implemented by 34 CFR 361(1999). This act prohibits discrimination on the basis of disability status under any program or activity that receives federal financial assistance. Employers with federal contracts or subcontracts greater than \$10,000.00 must have an affirmative action plan to accommodate qualified individuals with disabilities for employment and advancement. All of an employer's operations and facilities must comply with Section 503 as long as any of the operations or facilities are included in federal contract work. Section 504 incorporates the employment provisions of Title I of the Americans With Disabilities Act of 1990.

(c) The Equal Pay Act of 1963, 29 USC 206(d), as implemented by 29 CFR 1620(1999). This act prohibits discrimination on the basis of sex.

(d) Title VII of the Civil Rights Act of 1964 as amended, 42 USC 2000e. This act prohibits discrimination on the basis of sex, race, color, national origin, religion, or disability.

(e) The Americans with Disabilities Act of 1990, 42 USC 12201. This act prohibits discrimination against qualified individuals with disabilities in recruitment, selection, benefits and all other aspects of employment.

(f) Uniformed Services Employment and Reemployment Act of 1994, 38 USC 4301 (USERRA). This act requires a state to reemploy eligible veterans who left state employment for military service and return to work within specified time periods defined by USERRA.

#### R477-2-4. Grievance Procedure for Discrimination.

The following rules outline the grievance procedure and the specific requirements of the major laws:

(1) Age Discrimination in Employment Act of 1967.

(a) An aggrieved individual may bypass the state's grievance procedure and file directly with the Equal Employment Opportunity Commission (EEOC) or the Utah Anti-Discrimination and Labor Division (UALD).

(b) Employees shall report the alleged discriminatory act within one of the following time periods:

(i) 180 days after the occurrence to EEOC, or

(ii) 300 days after the occurrence to EEOC if the matter has been presented to UALD for proceedings under an applicable state law, or

(iii) to the EEOC 30 days after the individual receives notice of termination of any state proceedings.

(c) The Utah Anti-Discrimination and Labor Division of the Labor Commission is authorized by the Equal Employment Opportunity Commission to act on charges of employment discrimination. Employees must file charges within thirty days following an act of discrimination.

(2) Section 503 of The Rehabilitation Act of 1973, as implemented by 34 CFR 361(1999).

(a) An aggrieved individual may bypass the state's grievance mechanism and file a complaint with the granting federal agency or the Office of Federal Contract Compliance Programs (OFCCP) within 180 days of the discriminatory event.

(b) If dissatisfied with the outcome of the state's grievance mechanism, an individual may also file a complaint with the OFCCP within 180 days of the discriminatory event.

(3) Section 504 of the Rehabilitation Act of 1973.

(a) An aggrieved individual may bypass the state's grievance mechanism and file a complaint with the granting federal agency. If unsatisfied with the outcome of the state's grievance mechanism, an individual may also file a complaint with EEOC. A charge of discrimination should be filed within 180 days of the discriminatory event.

(b) Under the 1978 amendments to the Rehabilitation Act, the procedures for enforcing Section 504 are the same as for Title VII of the Civil Rights Act of 1964.

(4) The Equal Pay Act of 1963 - The enforcement provisions of the Fair Labor Standards Act apply for an equal pay claim. The following rules apply:

(a) Sex discrimination in the payment of unequal wage rates is a continuous violation, and employees have a right to sue each payday that the discrimination persists.

(b) Employees are not required to exhaust any administrative procedures prior to filing an action.

(c) Employees alleging an equal pay claim may file directly with the Equal Employment Opportunity Commission.

(d) Employees do not have the right to file a court action when the Equal Employment Opportunity Commission initiates a court proceeding on the employee's behalf to either enjoin an employer or to obtain recovery of an employee's unpaid wages.

(e) Employees must file suit within two years from the last date of harm, unless the employer committed a willful violation of the law, in which case, they have three years.

(5) Title VII of the Civil Rights Act of 1964.

(a) An aggrieved individual may bypass the state's grievance mechanism and file directly with the EEOC.

(b) Time lines for filing a complaint are the same as for the Age Discrimination Act in R477-2- 4.(1).

(6) Americans with Disabilities Act (ADA) of 1990.

(a) An aggrieved individual may bypass the state's grievance procedure and file directly with the EEOC or with the Utah Anti-Discrimination and Labor Division.

(b) Time lines for filing a complaint are the same as for the Age Discrimination Act in R477-2- 4.(1).

(7) Uniformed Service Employment and Re-employment Act of 1994 (USERRA).

(a) State statutes of limitations shall not apply to any proceedings under USERRA.

(b) An action may be initiated only by a person claiming rights or benefits, not by an employer.

(c) The United States Department of Labor, Veterans Employment and Training Service is authorized to act on charges of employment discrimination under USERRA.

(i) Prior to filing an action with the Veterans Employment and Training Service, an individual shall exhaust state administrative procedures.

(ii) If unsatisfied with the outcome of the State's grievance mechanism, an individual may file an administrative complaint.

(d) A person who receives notice from the Veterans Employment and Training Service of an unsuccessful attempt to resolve a complaint may request that the complaint be referred to the Attorney General of the United States. The U.S. Attorney General is entitled to appear on behalf of, act as attorney for, and commence action for relief in an appropriate U.S. District Court.

(e) An individual may commence an action for relief if that person:

- (i) has chosen not to file a complaint through the Veterans Employment and Training Service;
- (ii) has chosen not to request that the complaint be referred to the U.S. Attorney General;
- (iii) has been refused representation by the U.S. Attorney General.

R477-2-5. Control of Personal Service Expenditures.

(1) Statewide control of personal service expenditures shall be the shared responsibility of the employing agency, the Governor's Office of Planning and Budget, the Department of Human Resource Management and the Division of Finance.

(2) Agency management may request changes to the Position Management Report which are justified as cost reduction or improved service measures.

(a) Changes in the numbers, job identification, or salary ranges of positions listed in the Position Management Report shall be approved by the Executive Director, DHRM or designee.

(3) No person shall be placed or retained on an agency payroll unless that person occupies a position listed in an agency's approved Position Management Report.

R477-2-6. Records.

(1) DHRM shall maintain a computerized file for each employee that contains the following, as appropriate:

- (a) Performance ratings;
- (b) Records of actions affecting employee salary, current classification, title and salary range, salary history, and other personal data, status or standing.

(2) Agencies shall maintain the following records in each employee's personnel file:

(a) Applications for employment, Employment Eligibility Certification record, Form I-9, and other documents required by Immigration and Naturalization Service (INS) Regulations, under the Immigration Reform and Control Act of 1986, employee signed overtime agreement, personnel action records, notices of corrective or disciplinary actions, new employee orientation form, benefits notification forms, performance evaluation records, termination records.

(b) References to or copies of transcripts of academic, professional, or training certification or preparation.

(c) Copies of items recorded in the DHRM computerized file and other materials required by agency management to be placed in the personnel file. The agency personnel file shall be considered a supplement to the DHRM computerized file and shall be subject to the rules governing personnel files.

(d) Leave and time records.

(e) Copies of any documents affecting the employee's conduct, status or salary. The agency shall inform employees of any changes in their records based on conduct, status or salary no later than when changes are entered into the file.

(3) Employees have the right to review their personnel file, upon request, in DHRM or the agency, as governed by law and as provided through agency policy.

(a) Employees may correct, amend, or challenge any information in the DHRM computerized or agency personnel file, through the following process:

(i) The employee shall request in writing that changes occur.

(ii) The employing agency shall be given an opportunity to respond.

(iii) Disputes over information that are not resolved between the employing agency and the employee, shall be decided in writing by the Executive Director, DHRM. DHRM shall maintain a record of the employee's letter; the agency's response; and the DHRM Executive Director's decision.

(4) When a disciplinary action is rescinded or disapproved upon appeal, forms, documents and records pertaining to the case shall be removed from the personnel file.

(a) When the record in question is on microfilm, a seal will be placed on the record and a suitable notice placed on the carton or envelope. This notice shall indicate the limits of the sealed section and the authority for the action.

(5) Upon employee termination, DHRM and agencies shall retain computerized records for thirty years. Agency hard copy records shall be retained by the agency for a minimum of two years, then transferred to the State Record Center by State Archives Division to be retained for 65 years.

(6) Information classified as private in both DHRM and agency personnel and payroll files shall be available only to the following people:

(a) the employee;

(b) users authorized by the Executive Director, DHRM, who have a legitimate "need-to-know";

(c) individuals who have the employee's written consent.

(7) Utah is an open records state, according to Chapter 2, Title 63, the Government Records Access and Management Act. Requests for information shall be in writing. The following information concerning current or former state employees, volunteers, independent contractors, and members of advisory boards or commissions shall be given to the public upon written request where appropriate with the exception of employees whose records are private or protected:

(a) the employee's name;

(b) gross compensation;

(c) salary range;

(d) contract fees;

(e) the nature of employer-paid benefits;

(f) the basis for and the amount of any compensation in addition to salary, including expense reimbursement;

(g) job title;

(h) performance plan;

(i) education and training background as it relates to qualifying the individual for the position;

(j) previous work experience as it relates to qualifying the individual for the position;

(k) date of first and last employment in state government;

(l) the final disposition of any appeal action by the Career Service Review Board;

(m) the final disposition of any disciplinary action;

(n) work location;

(o) a work telephone number;

(p) city and county of residence, excluding street address;

(q) honors and awards as they relate to state government employment;

(r) number of hours worked per pay period;

(s) gender;

(t) other records as approved by the State Records Committee.

(8) When an employee transfers from one state agency to another, the former agency shall transfer the employee's original file to the new agency. The file shall contain a record of all actions that have affected the employee's status and standing.

(9) An employee may request a copy of any documentary evidence used for disciplinary purposes in any formal hearing regardless of the documents source, prior to such use. This shall not apply to documentary evidence used for rebuttal.

(10) Employee medical information obtained orally or documented in separate confidential files is considered private or controlled information. Communication must adhere to the Government Records Access and Management Act, Section 63-2-101. Employees who violate confidentiality are subject to state disciplinary procedures and may be personally liable for slander or libel.

(11) In compliance with the Government Records Access and Management Act, only information classified as "public" or "private" which can be determined to be related to and necessary for the disposition of a long term disability or unemployment insurance determination shall be approved for release on a need to know basis. The agency human resource manager or authorized manager in DHRM shall make the determination.

(12) Employees may verbally request the release of information for personal use; or authorize in writing the release of their performance records for use by an outside agent based on a need to know authorization. "Private" data shall only be released, except to the employee, after a written request has been evaluated and approved.

#### R477-2-7. Release of Information in a Reference Inquiry.

Reference checks or inquiries made regarding current or former public employees, volunteers, independent contractors, and members of advisory boards or commissions can be released if the information falls under a category outlined in R477-2-6(7), or if the subject of the record has signed and provided a reference release form for information authorized under Title 63, Chapter 2.

(1) The employment record is the property of Utah State Government with all rights reserved to utilize, disseminate or dispose of in accordance with the Government Records Access and Management Act.

(2) Additional information may be provided if authorized by law.

#### R477-2-8. Employment Eligibility Certification (Immigration Reform and Control Act - 1986).

(1) All career and non-career employees appointed on and after November 7, 1986, as a new hire, rehire, interdepartmental transfer or through reciprocity with or assimilation from another career service jurisdiction must provide verifiable documentation of their identity and eligibility for employment in the United States as required under the Immigration Reform and Control Act of 1986.

(2) Agency hiring officials are responsible for verifying the identity and employment eligibility of these employees, by completing all sections of the Employment Eligibility Certification Form I-9 in conformance with Immigration and Naturalization Service (INS) Regulations. The I-9 form shall be maintained in the agency personnel file.

#### R477-2-9. Disclosure by Public Officers Supervising a Relative.

It is unlawful for a public officer to appoint, directly supervise, or to make salary or performance recommendations for relatives except as prescribed in the Nepotism Act, Section 52-3-1.

(1) A public officer supervising a relative shall make a complete written disclosure of the relationship to the chief administrative officer of the agency or institution, in accordance with Section 52-3-1.

#### R477-2-10. Employee Liability.

An employee who becomes aware of any occurrence which may give rise to a law suit, who receives notice of claim, or is sued because of an incident related to his employment, shall give immediate notice to his supervisor and to the Department of Administrative Services, Office of Risk Management.

(1) In most cases, under provisions of the Governmental Immunity Act (GIA), Sections 63-30-36, 63-30- 37, employees shall receive defense and indemnification unless the case involves fraud, malice or the use of alcohol or drugs by the employee.

(2) If a law suit results against an employee, the GIA stipulates that the employee must request a defense from his agency head in writing within ten calendar days.

#### R477-2-11. Quality Service Award.



When requested by the Director, agencies shall assign employees to serve on the Utah Quality Award Evaluation Panel according to criteria established by section 67-19-6.4 and DHRM.

KEY

administrative responsibility, confidentiality of information, fair employment practices, public information

Date of Enactment or Last Substantive Amendment

July 5, 2002

Notice of Continuation

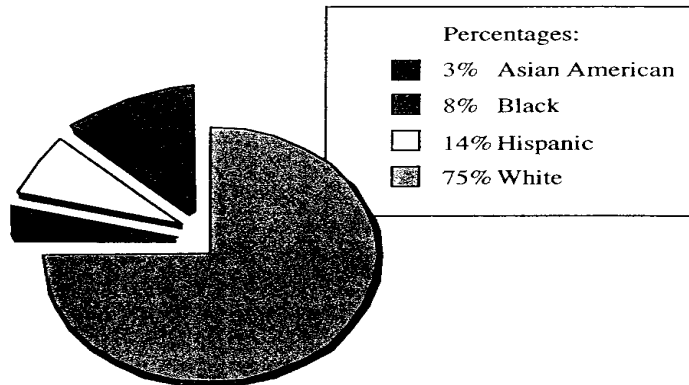
June 11, 2002

Authorizing, Implemented, or Interpreted Law

63-2-204(5); 67-19-6; 67-19-6.4; 67-19-18

## Utah Board of Pardons and Parole Ethnic Diversity

Job Category	Total	Male					Female				
		B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN
Board Member (Full Time)	5 100%	1 20%	3 60%					1 20%			
Board Member (Part Time)	4 100%		3 75%				1 25%				
Hearing Officers Administration	12 100%	1 8%	8 67%		1 8%		2 17%				
Support Staff	16 100%		1 6%				10 63%	5 31%			



*The Utah Board of Pardons  
and Parole employs 32 full time, and up to  
five part time, staff members.*

## FORM 2 - SEX OFFENDER CRIMINAL HISTORY ASSESSMENT

These are guidelines only. They do not create any right or expectation on behalf of the offender.

<b>PRIOR FELONY CONVICTIONS</b> (SEPARATE CRIMINAL CONVICTIONS)	0 NONE 1 ONE 2 TWO 3 THREE 4 MORE THAN THREE	<b>WEAPONS USE IN CURRENT OFFENSE</b> (ONLY WHEN CURRENT CONVICTION DOES NOT REFLECT WEAPON USE OR WHEN STATUTORY ENHANCEMENT IS NOT INVOLVED)	1 CONSTRUCTIVE POSSESSION 2 ACTUAL POSSESSION 3 DISPLAYED OR BRANDISHED 4 ACTUAL USE 5 INJURY CAUSED						
<b>PRIOR MISDEMEANOR CONVICTIONS</b> (SEPARATE CRIMINAL CONVICTIONS) (INCLUDES DUI & RECKLESS) (EXCLUDES OTHER TRAFFIC)	0 NONE 1 ONE 2 TWO TO FOUR 3 FIVE TO SEVEN 4 MORE THAN SEVEN	<b>NUMBER OF PRIOR VICTIMS</b> (PRIOR SEX OFFENSE VICTIMS, NOT INCLUDING PRESENT VICTIM)	0 NO PRIOR VICTIMS 1 ONE PRIOR VICTIM 2 MORE THAN ONE PRIOR VICTIM						
<b>PRIOR JUVENILE ADJUDICATIONS</b> (ADJUDICATIONS FOR OFFENSES THAT WOULD HAVE BEEN FELONIES IF COMMITTED BY AN ADULT) (THREE MISDEMEANOR ADJUDICATIONS EQUAL ONE FELONY ADJUDICATION)	0 NONE 1 ONE 2 TWO TO FOUR 3 MORE THAN FOUR 4 SECURE PLACEMENT	<b>TIME RANGE</b> (NUMBER OF YEARS OFFENDER HAS BEEN OFFENDING SEXUALLY)	1 ONE TIME INCIDENT 2 WITHIN ONE YEAR 3 WITHIN TWO YEARS 4 TWO YEARS OR OVER						
<b>TOTAL PLACEMENT SCORE:</b> _____									
<b>SUPERVISION HISTORY</b> (ADULT OR JUVENILE)	0 NO PRIOR SUPERVISION 1 PRIOR SUPERVISION 2 PRIOR RESIDENTIAL PLACEMENT 3 PRIOR REVOCATION 4 ACT OCCURRED WHILE UNDER CURRENT SUPERVISION OR PRE-TRIAL RELEASE	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <b>CRIMINAL HISTORY</b>  <table border="0" style="margin: 0 auto;"> <tr> <td style="text-align: center;">III</td> <td style="text-align: center;">7 +</td> </tr> <tr> <td style="text-align: center;">II</td> <td style="text-align: center;">4 - 6</td> </tr> <tr> <td style="text-align: center;">I</td> <td style="text-align: center;">0 - 3</td> </tr> </table> <p style="font-size: small; text-align: center;">PLEASE CIRCLE THE CORRECT CATEGORY</p> </div>		III	7 +	II	4 - 6	I	0 - 3
III	7 +								
II	4 - 6								
I	0 - 3								
<b>SUPERVISION RISK</b> (ADULT OR JUVENILE)	0 NO ESCAPES OR ABSCONDDINGS 1 FAILURE TO REPORT (ACTIVE OFFENSE) OR OUTSTANDING WARRANT 2 ABSCONDED FROM SUPERVISION 3 ABSCONDED FROM RESIDENTIAL PROGRAM 4 ESCAPED FROM CONFINEMENT								
<b>VIOLENCE HISTORY</b> (PRIOR JUVENILE OR ADULT CONVICTION FOR AN OFFENSE WHICH INCLUDES USE OF A WEAPON PHYSICAL FORCE, THREAT OF FORCE, OR SEXUAL ABUSE)	0 NONE 1 MISDEMEANOR 2 3rd DEGREE FELONY 3 2nd DEGREE FELONY 4 1st DEGREE FELONY								

		CRIME CATEGORY							2nd Degree	3rd Degree	Class A Misd
		1st Degree							H	I	J
		A	B	C	D	E	F	G			
		Mandatory Prison 15 to Life	Mandatory Prison 10 to Life	Mandatory Prison 6 to Life	Mandatory Prison 5 to Life	Mandatory Prison 3 to Life	5 yrs to Life	3 yrs to Life	1 to 15	0 to 5	0 to 3
CRIMINAL HISTORY	III	21 YRS	14 YRS	100 MOS	75 MOS	75 MOS	75 MOS	75 MOS	64 MOS	42 MOS	
	II	18 YRS	12 YRS	90 MOS	66 MOS	64 MOS	66 MOS	62 MOS	48 MOS	36 MOS	
	I	16 YRS	11 YRS	80 MOS	60 MOS	42 MOS	60 MOS	42 MOS	42 MOS	32 MOS	

CONSECUTIVE ENHANCEMENTS: 40% or the shorter sentence is to be added to the full length of the longer sentence.

CONCURRENT ENHANCEMENTS: 10% of the shorter sentence is to be added to the full length of the longer sentence.

Matrix timeframes refer to imprisonment only. Refer to the categorization of offenses.

	<b>ACTIVE CONVICTIONS</b>	<b>CRIME CATEGORY</b>	<b>TIME</b>
<b>MOST SERIOUS</b>	_____	_____	_____
<b>NEXT MOST SERIOUS</b>	_____	_____	_____
<b>OTHER</b>	_____	_____	_____
<b>OTHER</b>	_____	_____	_____
<b>TOTAL</b>			_____

OFFENDER NAME: \_\_\_\_\_ DATE SCORED: \_\_\_\_\_ SCORER'S NAME: \_\_\_\_\_

# FORM 1 CRIMINAL HISTORY ASSESSMENT

These are guidelines only. They do not create any right or expectation on behalf of the offender.

**PRIOR FELONY CONVICTIONS**  
(SEPARATE CRIMINAL CONVICTIONS)

- 0 NONE  
1 ONE  
2 TWO  
3 THREE  
4 MORE THAN THREE

**PRIOR MISDEMEANOR CONVICTIONS**  
(SEPARATE CRIMINAL CONVICTIONS)  
(INCLUDES DUI & RECKLESS)  
(EXCLUDES OTHER TRAFFIC)

- 0 NONE  
1 ONE  
2 TWO TO FOUR  
3 FIVE TO SEVEN  
4 MORE THAN SEVEN

**PRIOR JUVENILE ADJUDICATIONS**  
(ADJUDICATIONS FOR OFFENSES THAT  
WOULD HAVE BEEN FELONIES IF  
COMMITTED BY AN ADULT)(THREE  
MISDEMEANOR ADJUDICATIONS EQUAL  
ONE FELONY ADJUDICATION)

- 0 NONE  
1 ONE  
2 TWO TO FOUR  
3 MORE THAN FOUR  
4 SECURE PLACEMENT

**SUPERVISION HISTORY**  
(ADULT OR JUVENILE)

- 0 NO PRIOR SUPERVISION  
1 PRIOR SUPERVISION  
2 PRIOR RESIDENTIAL PLACEMENT  
3 PRIOR REVOCATION  
4 ACT OCCURRED WHILE UNDER CURRENT  
SUPERVISION OR PRE-TRIAL RELEASE

**SUPERVISION RISK**  
(ADULT OR JUVENILE)

- 0 NO ESCAPES OR ABSCONDINGS  
1 FAILURE TO REPORT (ACTIVE OFFENSE) OR OUTSTANDING WARRANT  
2 ABSCONDED FROM SUPERVISION  
3 ABSCONDED FROM RESIDENTIAL PROGRAM  
4 ESCAPED FROM CONFINEMENT

**VIOLENCE HISTORY**  
(PRIOR JUVENILE OR ADULT CONVICTION  
FOR AN OFFENSE WHICH INCLUDES USE  
OF A WEAPON, PHYSICAL FORCE,  
THREAT OF FORCE, OR SEXUAL ABUSE)

- 0 NONE  
1 MISDEMEANOR  
2 3rd DEGREE FELONY  
3 2nd DEGREE FELONY  
4 1st DEGREE FELONY

**WEAPONS USE IN CURRENT OFFENSE**  
(ONLY WHEN CURRENT CONVICTION  
DOES NOT REFLECT WEAPON USE OR  
WHEN STATUTORY ENHANCEMENT IS  
NOT INVOLVED)

- 1 CONSTRUCTIVE POSSESSION  
2 ACTUAL POSSESSION  
3 DISPLAYED OR BRANDISHED  
4 ACTUAL USE  
6 INJURY CAUSED

**TOTAL PLACEMENT SCORE:** \_\_\_\_\_

CRIMINAL HISTORY RISK	
V	16 +
IV	12 - 15
III	8 - 11
II	4 - 7
I	0 - 3
PLEASE CIRCLE THE CORRECT CATEGORY	

## CRIME CATEGORY

		A	B	C	D	E	F	G	H	I	
		1st Degree	2nd Degree	1st Degree	3rd Degree	1st Degree	2nd Degree	3rd Degree	2nd Degree	3rd Degree	
		Murder	Death	Person	Death	Other	Person	Person	Other	Other	
<b>CRIMINAL HISTORY</b>	<b>V</b>	24 YRS	8 YRS	10 YRS	48 MOS	84 MOS	60 MOS	36 MOS	30 MOS	20 MOS	<b>Misde- meanors</b>
	<b>IV</b>	22 YRS	7 YRS	9 YRS	42 MOS	78 MOS	48 MOS	30 MOS	24 MOS	18 MOS	
	<b>III</b>	20 YRS	6 YRS	8 YRS	36 MOS	72 MOS	36 MOS	24 MOS	20 MOS	12 MOS	
	<b>II</b>	18 YRS	5 YRS	7 YRS	24 MOS	66 MOS	30 MOS	20 MOS	18 MOS	10 MOS	
	<b>I</b>	16 YRS	4 YRS	6 YRS	20 MOS	60 MOS	24 MOS	18 MOS	16 MOS	9 MOS	

**CONSECUTIVE ENHANCEMENTS:** 40% or the shorter sentence is to be added to the full length of the longer sentence.

**CONCURRENT ENHANCEMENTS:** 10% of the shorter sentence is to be added to the full length of the longer sentence.

Matrix timeframes refer to imprisonment only. Refer to the categorization of offenses.  
Capital offenses are not considered within the context of the sentencing guidelines.

	ACTIVE CONVICTIONS	CRIME CATEGORY	TIME
MOST SERIOUS	_____	_____	_____
NEXT MOST SERIOUS	_____	_____	_____
OTHER	_____	_____	_____
OTHER	_____	_____	_____
		<b>TOTAL</b>	_____

**OFFENDER NAME:** \_\_\_\_\_ **DATE SCORED:** \_\_\_\_\_ **SCORER'S NAME:** \_\_\_\_\_

BOPP Agency Response - Attachment 4b

USP #

RATIONALE FOR DECISION ON Hearing Date FOR Hearing Type

AGGRAVATING

## MITIGATING

\_\_\_\_\_ Criminal history significantly underrepresented by guidelines  
 (i.e., more than 4 felony convictions and/or 8 misdemeanors) . . .  
 \_\_\_\_\_ History of similar offenses . . .  
 \_\_\_\_\_ Pattern of increasingly or decreasingly serious offenses . . .  
 \_\_\_\_\_ History of unsuccessful or successful supervisions . . .

CHARACTERISTICS OF THE OFFENSE	
_____	Use of weapons or dangerous instrumentalities . . . . .
_____	Demonstration of extreme cruelty or depravity . . . . .
_____	Abuse of position of trust, special skill, or responsibility . . . . .
_____	Multiple incidents and/or victims . . . . .
_____	Personal gain reaped from the offense . . . . .

\_\_\_\_\_ Motive (intentional, premeditated vs. impulsive, reactionary) . . . \_\_\_\_\_  
 \_\_\_\_\_ Role (organizer, leader vs. follower, minimal participant) . . . \_\_\_\_\_  
 \_\_\_\_\_ Obstruction of justice vs. early withdrawal or self-surrender . . . \_\_\_\_\_

Extent of injury (physical, emotional, financial, social) \_\_\_\_\_

Relatively vulnerable victim vs. aggressive or provoking victim \_\_\_\_\_

Victim in position of authority over offender \_\_\_\_\_

\_\_\_\_\_ Denial or minimization vs. complete acceptance of responsibility  
 \_\_\_\_\_ Repeated, numerous vs. first incarceration or parole revocation  
 \_\_\_\_\_ Extent of remorse and apparent motivation to rehabilitate . . .  
 \_\_\_\_\_ Timeliness and extent of efforts to pay restitution  
 \_\_\_\_\_ Programming (effort to enroll, nature of programming) . . .  
 \_\_\_\_\_ Disciplinary problems or other defiance of authority  
 \_\_\_\_\_ Employment possibilities (history, skills, current job, future) .  
 \_\_\_\_\_ Extent of community fear, condemnation . . .  
 \_\_\_\_\_ Degree of meaningful support system . . .  
 \_\_\_\_\_ Nature and stability of release plans . . .  
 \_\_\_\_\_ Unusual institutional vulnerability (due to age, health, other)  
 \_\_\_\_\_ Overall rehabilitative progress and promise  
 \_\_\_\_\_ Lengthy history of alcohol/drug abuse vs. apparent rehabilitation  
 \_\_\_\_\_ Substantial continuous period in custody on other charges . . .  
 \_\_\_\_\_ Likely release to detainer . . .

<p>1. Name of the person or organization: _____</p>	
<p>2. Address: _____</p>	
<p>3. City: _____</p>	
<p>4. State: _____</p>	
<p>5. Zip: _____</p>	
<p>6. Phone: _____</p>	
<p>7. Fax: _____</p>	
<p>8. E-mail: _____</p>	
<p>9. Subject: _____</p>	
<p>10. Remarks: _____</p>	

Board Member

**Utah State Bar  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**WORKFORCE: RECRUITMENT/HIRING**

***1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans***

Implementation Status: The Utah State Bar has adopted an Equal Employment Opportunity Plan to guide staff hiring and has encouraged law firms in Utah to provide equivalent hiring practices.

***4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Implementation Status: The Utah State Bar has begun to devise a comprehensive plan to encourage minority students in high schools and college to focus on a law school education and career in the law. We are also considering a plan to propose to law firms which will assist their recruitment of qualified minority lawyers. Both plans are rough and in need of definition. We have actively participated with the state's job fairs by providing rooms and publicity.

**TRAINING**

***3b. The Utah State Bar should offer Continuing Legal Education (CLE) training on cultural competency for attorneys and paralegals in the criminal and juvenile justice systems.***

Implementation Status: The Utah State Bar has sought and obtained Mandatory Continuing Legal Education credit from the Utah Supreme Court's Board of Continuing Legal Education for cultural competence and has scheduled and conducted courses. In addition, the Bar Commission, Bar staff and leadership have participated in 6 hours of training from a University of Utah professor. The Bar has sponsored CLE training on the judicial selection process at its Annual Convention and will be sponsoring a "Judges School" with the Utah Minority Bar Association and Women Lawyers of Utah in April 2003.

***4. The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.***

Implementation Status: The Utah State Bar has been working with the Multi-Cultural Legal Center to prepare an outline of rights for distribution in appropriate channels when completed.

## **INTERPRETATION**

2. ***The public and Bar should be provided with easily retrievable information on individual rights to an interpreter and the availability of interpreter services. Strategies should include: Bar and Court web sites, and Audiovisual and pamphlet materials available in multiple languages.***

Implementation Status: The Utah State Bar has been working with the Multi-Cultural Legal Center to prepare a pamphlet of information on interpreter rights and services for distribution on our web site and in appropriate channels when completed.

## **COMMUNITY RESOURCES/OUTREACH**

3. ***All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include: law enforcement complaint process, judicial complaint process, other employee complaint process, annual report on minority bar, and web site information on minority bar and judges, to include tribal courts.***

Implementation Status: The Utah State Bar has just concluded “Dialogue on Freedom”, a comprehensive program which placed over 500 lawyers, judges, legislators and representatives of the executive branch before over 40,000 students in 125 secondary schools in the state to discuss democracy and our system of justice. This experience provides us with a unique opportunity to build upon relationships with the schools and expand the education to include more specific elements of the justice system.

4. ***Minority organizations, including the Utah Minority Bar Association, should anticipate judicial vacancies, encourage minority lawyers to apply and participate directly in the nominating commission and selection processes.***

Implementation Status: Utah State Bar presidents have specifically raised the need for increased diversity on the benches of the state in meetings with Governor Leavitt. We have considered the need for diversity when making recommendations to the governor for the various judicial nominating commissions and have attempted to encourage minority groups to provide names for judicial consideration.

5. ***The Utah Minority Bar Association and other associations should continue efforts to provide scholarships for minority law students and should work toward developing creative methods for expanding its outreach to recruit and encourage minorities to consider pursuing the practice of law.***

Implementation Status: The Utah State Bar is considering providing scholarships.

6. ***The Utah State Bar should promote networking as a means for increasing minority membership and participation. This should include: social events and educational programs, law school programs, internships, scholarships, and mentor programs.***

Implementation Status: The Utah State Bar Commission includes a representative of the Utah Minority Bar Association as an *ex officio* member, meets regularly with the leadership of the Minority Bar Association, and supports its annual dinner. We have also supported various fund raisers of the Multi-Cultural Legal Center, the law schools' diversity job fairs, and are considering appropriate CLE scholarships to minority lawyers.

## **ADMINISTRATION**

1. ***Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

Implementation Status: The Utah State Bar has yet not fully considered how it might participate in the establishment of such a center on hate crimes.

5. ***Activities by the State Bar should include: encouraging Utah women of color to participate in bar activities, and coordinating efforts of Young Lawyers of Utah, Women Lawyers of Utah, Bar and Minority Bar Association to increase the number of minority lawyers and their participation in bar activities.***

Implementation Status: The Utah State Bar Commission includes representatives of the Women Lawyers of Utah, the Young Lawyers Division and the Minority Bar as *ex officio* members, meets regularly with their leadership, and supports their regular events. The Bar needs to more specifically address the recommendation and systematically encourage greater participation in activities from the membership of these groups.

16. ***The Judicial Council should request annual reports from the Administrative Office of the Courts and the Utah State Bar outlining their progress in implementation of court workforce recommendations.***

Implementation Status: The Utah State Bar has provided reports when requested and will continue to cooperate in finding solutions to the issues raised in the report.



## **DATA**

5. ***The Utah State Bar and Utah Minority Bar Association should track and report racial data to the Utah Supreme Court, including: number of minorities employed at the Bar, participation of minority lawyers in bar activities and leadership positions, and racial and ethnic composition of Utah State Bar, including applicants for Bar exam.***

Implementation Status: The Utah State Bar has provided reports when requested. Currently the Bar staff of 30 includes 4 minorities, the Bar Commission includes 2 minority commissioners in addition to the *ex officio* members referred to above, and our records estimate that minority lawyers constitute 4% of the total number of lawyers in the state. We are compiling information of the ethnic and racial composition of the Bar applicants.

## **RESEARCH**

6. ***The Utah State Bar should review disciplinary practices for racial and ethnic bias.***

Implementation Status: The Utah State Bar Commission has reviewed the records of the Office of Professional Conduct for any indicia of racial and ethnic bias and concluded that there have been none.

7. ***The Utah State Bar should have the admissions process and procedures reviewed for racial and ethnic bias, and review the bar exam for disparate impact.***

Implementation Status: The Utah State Bar's Admissions Committee is conducting a comprehensive evaluation of admissions rules, procedures and practices, including the composition of the Bar exam. The committee has committed to review of the bar exam for disparate impact.

8. ***The Utah State Bar should examine the reasons behind the large percentage of minority lawyers who have "inactive status" with the Bar. Where appropriate, the Bar should develop internship and placement programs for minorities.***

Implementation Status: The Utah State Bar Commission has reviewed the numbers of minority lawyers who are on inactive status. This attempt was limited to the information available—which was collected through the licensing forms. Information on minority status is done through self-identification and on a voluntary basis, so conclusions may not be considered as reliable. There was no agreement concerning any identifiable reasons. The Bar Commission has discussed internships and placement programs but has yet not found a satisfactory means to accomplish the recommendation.

## Utah Sentencing Commission Response to Recommendations of Task Force on Racial and Ethnic Fairness

### **WORKFORCE: RECRUITMENT/HIRING**

4. *The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.*

The Sentencing Commission generally does not participate in the recruitment of judges or other legal professionals. However, the Sentencing Commission (as part of the Commission on Criminal and Juvenile Justice for administrative support) has recently begun enlisting the help of the Multi-Cultural Legal Center when it hires in-house legal professionals. The Multi-Cultural Legal Center assists in spreading word of positions with CCJJ to minority applicants.

### **TRAINING**

None directed to Sentencing Commission.

### **INTERPRETATION**

None directed to Sentencing Commission.

### **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include: law enforcement complaint process, judicial complaint process, other employee complaint process, annual report on minority bar, and web site information on minority bar and judges, to include tribal courts.*

This recommendation will be addressed by the Commission on Criminal and Juvenile Justice.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.*

Because the Sentencing Commission has a statutory duty of “responding to public comment,” this is an on-going area of emphasis. The Sentencing Commission has met with groups such as community councils, citizen task forces, victims groups, Families Against Mandatory Minimums, the Utah Republican Hispanic Assembly, and others in order to make presentations and receive input. These partnerships are critical to the Sentencing Commission’s efforts in maintaining ties with the public. Many of these meetings come at the request of the community groups. However, the Sentencing Commission also seeks opportunities to receive input from the public by inviting interested groups to attend policy discussions or to receive a presentation on issues being discussed by the Sentencing Commission.

### **COMPLAINT PROCESSES**

None directed to Sentencing Commission.

### **ADMINISTRATION**

1. *Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.*

For over three years, the Sentencing Commission was in the forefront on this issue, conducting legal and policy research on hate crimes, recommending hate crimes legislation, and actively advocating that legislation during the 2000 and 2001 General Sessions. During that time, Sentencing Commission members and staff also met with groups and individuals to respond to questions concerning hate crimes and hate crimes legislation. Following the 2001 General Session, the Sentencing Commission decided it would continue to support the concept of hate crimes legislation, but would not recommend and actively advocate a particular hate crimes bill as it had previously done. This decision was made to allow the Sentencing Commission to focus on several other issues which had been neglected in prior years due, in part, to the emphasis placed on hate crimes legislation. However, the Sentencing Commission continues to act as a resource for information on hate crimes by meeting with legislators and interested groups and individuals.

### **DATA**

None directed to Sentencing Commission.

### **RESEARCH**

1. *The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding*

*principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.*

This recommendation will be addressed by the Commission on Criminal and Juvenile Justice.

- 16. *The Utah Sentencing Commission should conduct an experiment involving the question of aggravating and mitigating circumstances both in the adult and juvenile justice systems. For example, conduct a "blind" review of recommendations where social information that would identify or suggest the client's ethnicity is deleted in a matched set of minority and non-minority clients. The research should also examine the extent to which chronicity scores contribute to minority overrepresentation. This study would provide an opportunity to see if and how subtle bias creeps into case processing, particularly in the areas of preparing sentencing and placement recommendations.***

The research division of the Sentencing Commission is currently analyzing data collected by the Juvenile Court during calendar years 1999 and 2000 regarding the use of aggravating and mitigating factors. Upon completion of the analysis, a report will be delivered to the Juvenile Justice Subcommittee of the Sentencing Commission and to the Commission on Racial and Ethnic Fairness. The report will address the following issues:

- Are sentences for minorities aggravated or mitigated more or less frequently than sentences for non-minorities?
- Are any individual aggravating or mitigating factors used more frequently for minorities or non-minorities?
- How many aggravating and mitigating factors, on average, are applied in cases of minorities and non-minorities?

The Sentencing Commission feels that this methodology is the most likely to address the core issues of interest to the Commission on Racial and Ethnic Fairness. This information will also be of assistance to the Sentencing Commission as it embarks on an effort to rewrite the aggravating and mitigating factors for the Juvenile Sentencing Guidelines.

The existence of electronic data on aggravating and mitigating factors in the juvenile system makes this analysis much easier than a similar analysis of the adult system. Because there is no electronic data on aggravating and mitigating factors in the adult system, that analysis will involve a manual search through case files to determine which factors were used. Therefore, the Sentencing Commission decided to begin with the juvenile system and use that experience to fine-tune the methodology of analyzing the use of aggravating and mitigating factors in the adult system.

- 19. *The Utah Sentencing Commission should evaluate the application of aggravating and mitigating factors in sentencing, as opposed to the use of "strength-based" and "risk-focused" models, to determine if racial and ethnic bias occurs in that application.***

During preliminary discussions on this issue, members of the Juvenile Justice Subcommittee of the Sentencing Commission have expressed concern with a risk-focused sentencing model. While risk factors other than delinquency history are certainly appropriate in determining which services should be provided to a particular defendant once a sentence has been imposed, there is a question about their validity and fairness in the sentencing process.

The Sentencing Commission is awaiting the results from recommendation 16 above to further guide discussion on this item.

## Commission on Criminal and Juvenile Justice Response to Recommendations of Task Force on Racial and Ethnic Fairness

### **WORKFORCE: RECRUITMENT/HIRING**

***1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.***

The Utah Commission on Criminal and Juvenile Justice (CCJJ) is not required by federal law to establish or maintain an Equal Employment Opportunity Plan due to the fact that CCJJ does not employ more than 50 individuals. There are currently 13 full-time and 1 part-time “at-will” staff employed by CCJJ.

Although CCJJ is not required to have an EEO Plan, we value diversity and promote equal opportunity in our hiring practices and among the membership of the various boards and commissions associated with CCJJ. For example, the Utah Sentencing Commission and the Utah Substance Abuse and Anti-Violence Coordinating Council each have a representative from the ethnic community. These positions are defined by state statute. The Utah Board of Juvenile Justice has six members that represent various ethnic minority communities. The Governor has appointed these members.

CCJJ also provides training for units of local government and community-based agencies on EEO Plans. As per federal guidelines, all agencies that receive \$25,000 or more in federal funds AND have 50 or more employees must have an approved and written EEO Plan. In July 2000, CCJJ and the Department of Justice’s Office of Civil Rights provided training to all of our subgrantees on the EEOP requirement and how to strengthen existing plans or develop new plans.

CCJJ continues to have a role in monitoring each subgrantee’s EEO Plan to ensure that it exists and it follows the 7 Step Guide as outlined in the federal regulations. We forward all plans to the Office of Civil Rights for approval or rejection and for continued monitoring. We also ensure that plans are updated every two years. Subgrantees that fail to provide updated plans as required have had funding temporarily suspended until the plans are received. We are not, however, responsible for monitoring the actual implementation of the EEO Plan. The Office of Civil Rights reserves that authority.

***4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

When vacancies become available at CCJJ, they are typically filled from within the office or through word-of-mouth and contacts with various agencies. Notices of openings have been shared

with the Multi-Cultural Legal Center, the Governor's Ethnic Affairs Offices, and members that serve on the Task Force for Racial and Ethnic Fairness in the Legal System.

***7a. The governor should ensure that every judicial nominating commission has a racially diverse membership.***

Under Utah law, the governor is responsible for nominating some, but not all of the members of the judicial nominating commissions. Racial diversity of these commissions and, specifically, the race or ethnicity of a particular nominee is one of several considerations.

***7b. The judicial nominating commissions and governor should adopt a policy that expressly recognizes the importance of racial and ethnic diversity in the nomination and appointment of judges.***

Being appointed to the bench involves an extremely rigorous selection process. In turn, depending upon the specific position being filled, the list of candidates, and any host of other relevant and appropriate circumstances, this decision is largely subjective, both for the nominating commissions and governor. The governor follows constitutional and statutory guidelines. In addition, he is personally sensitive and approving of the benefits of racial and ethnic diversity. He does not establish explicit guidelines regarding his choice from among judicial candidates because his duty to select judges is by its constitutional nature wholly discretionary. Establishing guidelines could create a formula under which discretion is limited if not constrained. Moreover, explicit guidelines are, in effect, a standard against which third parties could seek legal relief. A lawsuit complaining that the governor failed to follow a standard could have the effect of letting sitting judges decide whether or not to accept a colleague onto the bench.

The Executive Director of CCJJ is significantly involved in the examination, interviewing, and counseling over the governor's appointment of judges. Racial and ethnic diversity is specifically discussed, considered, and weighed in the balance, but is not determinative one way or another in the judicial appointment process.

## **COMMUNITY RESOURCES/OUTREACH**

- 1. The State Office of Education should consider the following as strategies to assist in developing the pool of qualified minority applicants for criminal and juvenile justice careers:***
  - a pilot criminal and juvenile justice academy/magnet school at the high school level that focuses on the many career opportunities in the criminal and juvenile justice system.***
  - incorporating criminal and juvenile justice issues into the high school curriculum.***

Although this recommendation is not directed at CCJJ, our office has provided funding to local communities that has aided in the implementation of law-related education programs. These programs have brought law enforcement officers into the schools to teach students about the Utah justice system. In the process, students also learn about careers in law enforcement. CCJJ will continue to support these efforts as funds allow and as efforts dictate.

- 2a. *The State Office of Education, via their “Prevention Dimensions” K-12 curriculum, should take a leadership role in partnering with the courts, state government, local government, legal organizations, and community groups, to teach the community and students about respect for different cultures, tolerance of difference, and understanding about what constitutes a hate crime.***

Although this recommendation is not directed at CCJJ, our Anti-Violence Coordinator has maintained membership on the Prevention Dimension Steering Committee. This committee provides advice, direction and oversight for how Prevention Dimension is implemented and taught in Utah classrooms. Members are also involved in the actual writing of the curriculum, including components on diversity.

- 3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:***
- *law enforcement complaint process,***
  - *judicial complaint process,***
  - *other employee complaint process,***
  - *annual report on minority bar, and***
  - *web site information on minority bar and judges, to include tribal courts.***

CCJJ’s role in this recommendation has been the awarding of federal and state grants for programs that promote a better understanding of Utah’s justice system. Funds have been provided for the translation of court materials, for the production of a court education videotape aimed at parents, and for studies that examine racial and ethnic fairness in the legal system. These programs all contribute to enhanced public understanding about how Utah’s justice system functions.

- 8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community’s needs.***

The various boards and commissions affiliated with CCJJ allow us to have an on-going dialogue with members from various communities. This dialogue is often facilitated by our membership, through personal invitation, at the request of specific groups, and through program partnerships.



## **ADMINISTRATION**

***1. Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

This will be addressed by the Utah Sentencing Commission, which is housed at CCJJ.

***12. The Legislature, county and local governments should provide additional financial resources to bring all prosecutor and legal defense offices up to the equivalent provided to the Salt Lake District Attorney's Office and the Salt Lake Legal Defender's Association.***

This recommendation does not apply directly to CCJJ. However, CCJJ can help facilitate discussion on this recommendation if state and local governments wish to pursue this course of action.

## **DATA**

***10. Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.***

CCJJ employees are encouraged to discuss matters of racial and ethnic fairness in the workplace with their supervisor anytime such issues arise.

## **RESEARCH**

***1. The criminal and juvenile justice system should implement management information systems that produce information that captures "what works" predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.***

CCJJ, through the Utah Board of Juvenile Justice, is currently conducting a comprehensive evaluation of its federally-funded juvenile justice programs. This evaluation effort, commencing its second year, involves the administration of two survey instruments for all program clients. Surveys are given pre-program and post-program for comparative purposes. A database of this information is being developed and will help identify program models that are most effective in reducing juvenile delinquency.

In accordance with its statutory duties, CCJJ is increasing the systems research and evaluation capacity through a research consortium with the University of Utah. The Criminal and Juvenile

Justice Consortium (CJJC) is a developing partnership with the varying colleges at the University to provide justice research including evaluations of specific programs and principles. Also, CCJJ has recently contracted with an economics professor to create a sophisticated costs/benefits tool which will provide additional information on a given program for offenders.

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Byrne 2D74 and JAIBG 1M06.

# Commission Implementation Report

Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System

March 2004

Equality before the law in a true democracy is a matter of right. It cannot be a matter of charity or of favor or of grace or of discretion.

-U.S. Supreme Court Justice Wiley Rutledge

America did not invent human rights. In a very real sense, it is the other way around. Human rights invented America.

-Former President Jimmy Carter

We must learn to live together as brothers or perish together as fools.

-Reverend Dr. Martin Luther King, Jr.

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To access the Commission Implementation Report in its entirety:

<http://courtlink.utcourts.gov/specproj/retaskforce/index.htm>

*The Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System*

## **COMMISSION MEMBERSHIP**

*Leadership:*

Honorable William A. Thorne, *Court of Appeals; Commission Chairperson*  
 Sidney Groll, *Director, Peace Officer Standards and Training; Commission Co-Chair*  
 Keith Hamilton, *Private Attorney At Law; Commission Co-Chair*  
 Leticia Medina, *Director, State Community Services; Commission Co-Chair*

*Members:*

John Adams, *Past President, Utah State Bar*  
 Daniel J. Becker, *State Court Administrator, Administrative Office of the Courts*  
 David Biggs, *Assistant Director, Salt Lake Legal Defender Association*  
 Representative Duane Bourdeaux, *Utah House of Representatives*  
 \*Paul W. Boyden, *Director, Statewide Association of Public Attorneys*  
 Scott Carver, *Deputy Director, Utah Department of Corrections*  
 Kal Farr, *Executive Director, Utah Chiefs of Police Association*  
 Robert L. Flowers, *Commissioner, Utah Department of Public Safety*  
 Jesse Gallegos, *Board Member, Utah State Board of Pardons and Parole*  
 Sim Gill, *Representative, Statewide Association of Public Attorneys*  
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 Brent Johnson, *General Counsel, Administrative Office of the Courts*  
 Ed McConkie, *Director, Utah Commission on Criminal and Juvenile Justice*  
 Dan Maldonado, *Deputy Director, Division of Youth Corrections*  
 Honorable Tyrone E. Medley, *Third District Court*  
 Haruko Moriyasu, *Director, Asian Pacific American Studies Program, University of Utah*  
 Sheriff Brad Slater, *President, Utah Sheriffs' Association*  
 Anthony Smith, *Director, Health/Behavioral Health, Indian Walk In Center*  
 Dr. Joan Smith, *Board of Directors, National Conference for Community and Justice*  
 Senator Pete Suazo (deceased), *Utah State Senate*  
 Joe Tafua, *President, Southern Utah Polynesian Association*  
 Dr. Deidre A. Tyler, *Professor, Department of Sociology, Salt Lake Community College*  
 \*Representative A. Lamont Tyler, *Utah House of Representatives*  
 Carolina Rosas Webber, *Teaching Fellow, Department of Communication, University of Utah*  
 Michael D. Zimmerman, *Partner, Snell & Wilmer; former Chief Justice, Utah Supreme Court*

*Staff:*

Jah-Juin Ho, *Commission Director, Administrative Office of the Courts*

\* These persons have served on the Commission, have resigned, and have been replaced by others listed.

***The Citizen Advisory Council to the Commission on Racial and Ethnic Fairness  
in the Criminal and Juvenile Justice System***

## **ADVISORY COUNCIL MEMBERSHIP**

***Leadership:***

Mary Daniels, *Small Business Owner; Council Chair*  
 Larry Houston, *Boy Scouts of America - Salt Lake Executive Council; Council Co-Chair*  
 Jan Saeed, *Director, Institute for the Healing of Racism; Council Member-at-Large*  
 Dr. Deidre A. Tyler, *Professor, Salt Lake Community College; Council Member-at-Large*  
 Tony Yapias, *Director, Office of Hispanic Affairs; Council Member-at-Large*

***Members:***

Ceci Ahanonu, *Student, University of Utah*  
 Carmen Alldredge, *Southern Utah University Multicultural Institute*  
 James Brown, *New Horizons radio and television*  
 Eric Cheng, *Chinese Engineers & Scientists Society of Utah*  
 Forrest Cuch, *Director, Utah Division of Indian Affairs*  
 Joe Derring, *Clerk of Court, First Judicial District*  
 Stanley Fieeiki, *Detective, Salt Lake Area Gang Project*  
 Irma Garcia, *Student, University of Utah*  
 David Gomez, *Director of Correctional Industries, Utah Department of Corrections*  
 Gladys Gonzales, *Publisher & Editor, Mundo Hispano Newspaper*  
 \*Jah-Juin Ho, *Accounting Technician, Second District Court*  
 Nayer Honorvar, *Judge Pro Tem*  
 Linda Keams, *Instructor, Utah State University - Blanding*  
 Karen Kwan-Smith, *Advisor, University of Utah Center for Ethnic Student Affairs*  
 Dr. Shirley Leali, *Professor of Education, Weber State University*  
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 Chandubhai (C.C.) C. Patel, *President, Gujarati Samaj of Utah*  
 Cheri Seltzer, *Assistant to the Chief, St. George Police Department*  
 Anthony Smith, *Director, Health/Behavioral Health, Indian Walk In Center*  
 Dr. Joan Smith, *Executive Director, National Conference for Community and Justice*  
 Dr. Paula Smith, *Professor of Family and Consumer Sciences, University of Utah*  
 Gwen Springmeyer, *Community Affairs Analyst, Office of the Salt Lake City Mayor*

Michael Styles, *President, Black Democratic Caucus*

Joe Tafua, *President, Southern Utah Polynesian Association*

Cheria Thoreson, *Utah Chinese Women's Association*

Carolina Rosas Webber, *Teaching Fellow, Department of Communication, University of Utah*

Shirley Weight, *Utah State Office of Education*

Ruth Wilson, *Associate Director of Adolescent Services, Valley Mental Health*

Michael Wims, *Assistant Attorney General*

Christina Yong, *Student, University of Utah*

*Staff:*

Jah-Juin Ho, *Commission Director, Administrative Office of the Courts*

\* These persons have served on the Advisory Council, have resigned, and have been replaced during the open enrollment period designated in the *Ground Rules*.

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## ***FORWARD by Chair, Honorable William A. Thorne***

In reflecting on the years of effort by, the Task Force on Racial and Ethnic Fairness and it's successor, the Commission on Racial and Ethnic Fairness, I am struck by the good will and determination demonstrated by all aspects of the criminal and juvenile justice system here in Utah. I think we in Utah tend to denigrate our place in the modern world. This sometimes may have a basis in reality, but often it is unjustified. One of those instances when we do not give the people of this State enough credit is in how they have responded to the challenge of assuring that our justice system is fair. Please don't misunderstand. I am not saying our system is without flaw. Like all human institutions, our justice system doesn't always live up to our ideals. But what has amazed and gratified me is the response that has been generated in answer to the questioning and the probing and the examination into the fairness of our system here in Utah. Certainly there has been a fair amount of defensiveness on the part of some people in the institutional components of the justice system, as well as an eagerness to embrace a victim's stance by some parts of the various communities. But remarkably, throughout all this, everyone is still at the table.

While at the table, in the form of the Commission on Racial and Ethnic Fairness, what I have observed is a genuine respect as the members listen to points of view they may not share. Further, there is a recognition that both perception and "reality" are essential components in a truly fair justice system. Virtually everyone around the table acknowledges that improvements are both necessary and possible. And most importantly, all are committed to making improvements - in both areas, measurable observable fairness as well as the perception of fairness.

There are many occurrences in the world around us, inside our country as well as outside, that do not give much cause for hope. What has been taking place in the Commission helps to balance the equation. The Commission on Racial and Ethnic Fairness ought to be a source of pride for it embodies those virtues which have historically been a part of this state - self-reliance combined with a sense of communal responsibility, a concern for fairness and a desire to do right, and a focus on making the future better for our children. All of these virtues are present in the men and women, whether representatives of state agencies or different parts of our communities, who chose to voluntarily sit around the table and join in an effort to make a more fair and just community. Thank-you Utah, for making this type of enterprise possible. And thank-you to the people who have given so freely of their time to engage in this effort.

## ***FORWARD by Co-Chair, Sidney Groll***

When it comes to racial and ethnic fairness, the Criminal Justice System as a whole is a very complex and forbidding system for many citizens to understand. Law enforcement is placed at the forefront of interaction with all citizens in the state of Utah. Therefore, it is imperative that law enforcement agencies across the state step up their efforts to ensure equality and fairness as it relates to all citizens; especially officers that may not understand the complications of the justice system or have language skills that create barriers for them in the field. Likewise citizens have similar responsibilities to understand the Criminal Justice System.

Some of the greatest opportunities for fairness lie within the responsibility of law enforcement to their citizens. The interaction between citizens and law enforcement will generate answers and relationships that transcend across the whole Criminal Justice System.

Over the past year we have seen a number of law enforcement agencies step up and communicate with various citizen groups. Law enforcement has been involving themselves in policy development, information packets and recruiting efforts that have moved toward ensuring a better representation of citizens in the Criminal Justice System. Through the efforts of the Racial and Ethnic Fairness Commission it has empowered law enforcement agencies to be able to move forward in a very constructive way. It has also given support to those agencies looking at potential model policy formulation, additional ideas for recruiting, and a broader opportunity for training officers as they come into the profession.

Organizations such as the Utah Chiefs of Police Association, Utah Highway Patrol, Utah Sheriff's Association, and the Department of Corrections have placed a higher emphasis on their role in training, understanding and facilitating dialogue with ethnic groups that have come forward over the past year. It seems that the issues that were brought forward by the Racial and Ethnic Fairness Commissions have been taken more seriously over the past year than ever before, thus helping this process along.

This being said, there continues to be an ever-present need for additional training, for better understanding, for more informed officers in the field, for more opportunities for citizens to understand law enforcement's role and other portions of the Criminal Justice System. So there is great work to be done still as we progress in our responsibilities to the citizens of Utah.

## ***FORWARD by Co-Chair, Keith N. Hamilton***

It has been a great honor and privilege to serve as a Co-Chair of the Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System. I am impressed by the genuine efforts of so many community and governmental agency leaders to address implementation of solutions to the various problems facing the provision of fair and equitable justice to all residents of Utah. I am equally impressed by the desire and effort of the general public to assist the Commission in its mission by attending public hearings and letting its voice be heard. Specific mention, however, must be made regarding Commission Chair, Judge William Thorne, for his inspired and insightful leadership, and Jah-Juin Ho, Commission Executive Director, for his dedicated and tireless service in moving the Commission's agendas and projects forward.

I have been associated with this effort for nearly seven years now since my service on the Courts Subcommittee of the Utah Judicial Council's Task Force on Racial and Ethnic Fairness. The association has been very rewarding and educational. I began in this effort as the only person of color serving as a member of the Utah State Board of Pardons and Parole. In August 2003 I moved on to private practice, yet retained my position as a Co-Chair of the Commission. I am very grateful to those who supported my retention.

In the Commission's first annual report, published January 2003, we noted the distinction between perception and reality. My nearly twenty years experience in criminal justice teaches me that when it comes to fairness and equity, particularly in the legal system, one's perception *is* his or her reality. In the past year the Commission has worked very hard to address and, where feasible, implement measures that would improve the public's perception of fairness in the criminal and juvenile systems. Critics may consider our efforts insufficient, and I agree that we have not accomplished all we set out to do this past year, but we are definitely on a path toward making our adult and juvenile systems of justice better and fairer for all residents of Utah.

I am hopeful and optimistic about what lies ahead for Utah's criminal and juvenile justice systems. I am confident that with each passing year improvements will occur and solutions will be identified and implemented.

The Commission and its Advisory Council are comprised of a diverse group of people who come to the table each month bringing a wealth of knowledge, experience, and good-old-fashioned "know-how." Each member of the group also brings his or her own agendas, biases, and perceptions. Yet, no voice is stifled at the table. No perception or observation is unworthy of consideration at the table. It is remarkable that such a diverse group has not only come together, but also worked effectively together, for the common cause of improving Utah's systems of justice.

While I applaud the efforts of the Commission and the Advisory Council, I am not so naïve to believe that such bodies will ever be very effective in making marked change. I firmly believe it is up to you and me individually to make the difference in improving Utah's system of justice. Thus, in response to the Task Force recommendations concerning minority recruitment efforts, I

have, through my law office and in conjunction with the Utah State Office of Black Affairs and the Utah Peace Officer Standards and Training Academy, established two annual scholarship awards for persons interested in pursuing a career in criminal justice. One is a \$2,000 award for a qualified candidate to attend college and pursue a degree in a criminal justice related field; the other is \$3,000 award for a qualified candidate to complete training at the Utah Peace Officer Standards and Training (P.O.S.T.) Academy, preparatory to starting a career in law enforcement. The application period for both awards will be from February 1<sup>st</sup> through May 31<sup>st</sup> of each calendar year, and the award recipients will be announced, and the awards made, in June preparatory to the start of Fall semester classes at college or the P.O.S.T. Academy's August class. The awards will be made to the college or to the P.O.S.T. Academy on behalf of the recipient. For more information concerning the scholarship awards contact Bonnie Dew, Director, Utah State Office of Black Affairs, at 801-538-8829/877-488-3233 (toll-free) or through e-mail at [bjdew@utah.gov](mailto:bjdew@utah.gov).

I believe individually and collectively we must constantly remain vigilant and speak out and fight against injustice and unfair treatment wherever and whenever we see it or learn of it. Individually, we each must take personal responsibility for doing what we can to improve the quality of life for all residents of Utah. One person at a time we each must treat everyone with courtesy, dignity, and respect. One home at a time we must teach the rising generations to be fair and equitable to all, regardless of an individual's race, ethnicity or belief system. Then, and only then, will Utah achieve a system of justice where public and individual perception equals a reality of true fairness and equity.

Until that long-awaited day arrives, I extend my sincere and heartfelt invitation for all who read this report to do, as members of the Commission and Advisory Council have done and will continue to do, whatever you can to move things forward along the path toward a truly fair and equitable system of justice for all in Utah.

## ***FORWARD by Co-Chair, Leticia Medina***

With the twenty-first century, the legal and social complexities facing law enforcement, corrections, courts, and ethnic communities continue the demand for fairness at all levels of the justice system. Utah's changing demographics is proof that we need to be flexible in understanding, accepting and respecting differences. Throughout the year there were many discussions and debates on perceptions, and on anecdotal evidence vs. facts. These discussions are continuing, which in itself provides an environment of self-examination of our own attitudes and biases.

The Commission has reviewed written materials and heard presentations from the various departments with the responsibility of being equally responsive to ALL citizens of Utah. The Commission has identified that some issues will require time. The continued effort of all to accept that diversity is strength, will and has contributed greatly to the development of our justice system.

We should be proud of the work that has been put forth by the Commission and its leadership toward addressing issues of racial and ethnic fairness in our justice system.

## **EXECUTIVE SUMMARY**

This Second Annual Commission Implementation Report documents the work and accomplishments of the Commission on Racial and Ethnic Fairness in the Criminal Justice System and the criminal justice agencies in their efforts to implement the recommendations of the Task Force on Racial and Ethnic Fairness in the Legal System during the year 2003.

The Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System was formed in September 2001 as a central oversight body for implementation of the recommendations from the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System. The Task Force had developed partnerships between agencies and the community. These bridges became the basis to form a commission that would continue the effort to improve justice for all people. Membership of the Commission included a transition team from the Task Force, judges, law enforcement officials, prosecution and defense attorneys, juvenile and adult corrections officials, and elected representatives from the ethnic communities.

The mission statement of the Commission was developed by members through an involved process of consensus building. The diverse perspectives of the members required considerable discussion before the following mission statement was finalized in July 2002.

*The Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System is collectively committed to promoting research, legislation and policies that strive to:*

1. *achieve equality and justice for all people,*
2. *encourage implementation of equitable practices, and*
3. *institutionalize accountability*

*Within the Utah Criminal Justice System. The Commission will provide leadership by coordinating communication processes and partnerships within and between the public and private sectors. The Commission will also serve as a forum for examining progress, evaluating results, and providing public reports.*

### **Implementation of Change**

At the Commission Orientation meeting held on October 1, 2001, Commission members convened as representatives of their respective agencies and communities. The members individually resolved to facilitate and provide access to relevant data sources and personnel, track implementation efforts, conduct research, support activities deemed necessary to further the Commission's mission, and contribute to the Commission's annual report. The first annual Commission Implementation Report was an individual agency self-report and did not include evaluation by either the agency or the Commission as to the effectiveness of the implementation. Statements about the progress were the conclusions of the agencies. This second annual report

of the Commission attempts to remedy some of the concerns of agency self-reporting.

While recognizing that there is still a long way to go before reaching the type of evaluation intended by the Task Force and anticipated by the community, the following mechanisms were put in place for this report: Commission subcommittees, Commission members, the Commission director and the Advisory Council were all asked to contribute feedback from initial agency responses. This process will be fine-tuned and formalized in subsequent reports. Due to the nature of the organization of some agencies, the substance and organization of the reports may vary widely. Significantly, the Commission, criminal justice agencies and the Advisory Council remain at the table, committed to racial and ethnic fairness in Utah's criminal justice system.

### **Agency Implementation and Task Force Recommendations**

This year has been marked by many transitions. Several Commission plans were put on hold during the first half of the 2003 reporting period due to the absence of Commission staff. That problem has since been remedied and much work has moved forward. Similar to last year, each member agency has hosted a Commission meeting. The format for each meeting includes an update by the Advisory Council, subcommittee reports, and a presentation on specific issues that have been brought to the attention of the Commission. Each agency is expected to continue addressing Task Force recommendations, individually. Member agencies are encouraged to bring forward projects and ideas that could benefit the community or the Commission.

For this annual report, Commission agencies responded to the Task Force recommendations in each related area, listed below. Additionally the *progress-at-a-glance* section provides a snapshot of agency progress being made in each category. The activities highlighted below represent agency, Commission and/ or Commission subcommittee work that relate to the specified Task Force recommendations.

#### Work Force Recruiting Hiring

The need for workforce diversity in all areas of the legal system was an issue raised. Inherent in the Task Force recommendations was the need to not only hire, but actively recruit from the minority communities in order for agencies to be responsive to cultural and language needs. Agencies reported that actions have been taken in this area and recruitment procedures have been established or are in progress.

During the reporting period, the recruitment subcommittee focused on strategies to increase employment of minorities in all law enforcement and criminal justice related occupations.

- A working group of law enforcement officers from across the state has been formed to assist the subcommittee in the efforts to attract qualified minorities into the law enforcement profession. This group will target minority students and, assisted by high school resource officers, will provide mentoring support.

- A focus group of newly hired Juvenile Court Probation Officers and Youth Correction Case Managers was formed to assist in developing strategies for improving minority recruitment and hiring during the coming year
- Commission Co-Chair Keith N. Hamilton, in conjunction with the Utah State Office of Black Affairs and the Utah Peace Officer Standards and Training Academy, has established two annual scholarships for persons interested in pursuing a career in criminal justice.

### Training

A cultural competency training curriculum was developed and made available to the agencies for training purposes in 2002. Agencies have either used the program or developed their own. The training of current employees has been completed or in progress by most agencies. There have been limitations, in some instances, due to budgetary constraints. Newly-hired Court and Correctional employees are required to take the competency training as part of the training for their positions.

- The Cultural Competency curriculum developed earlier continues to be utilized by agencies for training and education purposes.
- The Cultural Competency curriculum remains a requirement for all new court employees and a secondary course is being considered for employees on a voluntary basis.
- Rights of individuals to serve on juries irrespective of race or ethnicity and selection of jurors from a cross-section of the community was addressed in the annual judicial conference training session.

### Interpreting

The legal system addressed the need for quality interpreting services in agencies that are in direct contact with individuals who enter the system. Efforts have been affected by the limited availability of qualified individuals, budgetary constraints, and the resources to train individuals in a second language. Additionally, for immediate response, an AT&T language line is available for law enforcement officers in the field.

### Community Resources, Involvement/Outreach

Recommendations for building partnerships with Community Resources and Outreach through the State Office of Education, the Judicial Council's Public Outreach Committee, the Minority Bar Association, the Utah State Bar and communities of color are an ongoing activity. Agencies have reported a variety of actions taken to improve their outreach programs and continue to work with the community directly and with community organizations. Sample efforts included:

- Town meetings for and with local ethnic communities, public administrators and law enforcement officers. Town meetings were conducted for the Latino/Migrant community in Ogden, Utah, the African American and Native American communities in Salt Lake



City, Utah, and the Asian American community in West Valley City, Utah.

- Plans to integrate communication between the Commission, community, and the Advisory Council, as well as designs to strengthen the role of the Advisory Council and enhance accountability for the implementation of the Task Force recommendations.
- Key issues that emerged from the 2003 Town Meetings were identified and specific needs were passed along to the responsible agencies.
- Local administrators and law enforcement officers will be recognized for their efforts to promote equity and fairness in the criminal justice system.

### Complaint Processes

Concerns raised by the public for adequate and user-friendly complaint processes underscored a need for a readily accessible written document explaining the complaint review process. Law enforcement agencies, specifically the Chiefs, the Sheriffs and POST, report the existence of procedures at agency levels. However, these processes are not system-wide. To address deficiencies in the system the Commission:

- Adopted a form to receive complaints that come directly to the Commission.
- Is currently conducting a survey which includes an assessment of those law enforcement agencies that utilize a written complaint process with the goal of insuring that 100% of law enforcement agencies have a meaningful, user-friendly written complaint process.
- Is working with law enforcement leadership organizations to create, as a criteria for accreditation, a written document describing agency complaints processes.

### Administration

Many of the Task Force recommendations require policy changes and management decisions to affect change. These changes are administrative and require budgetary and jurisdiction capabilities. Implementation activities are reported to be in progress.

### Data

The need for consistent race and ethnicity data throughout the criminal juvenile justice system became apparent in the effort to determine racial and ethnic fairness in the judicial system. Efforts to collect the data for purposes of statistical information, with necessary precautions to ensure appropriate use, must be maintained. The implementation of procedures to collect and track data are not consistent throughout the system, but most agencies have reported initial progress. The Racial Profiling law is expected to provide additional data.

- The data collected by the Racial Profiling law is under review. The Commission is studying strategies to educate the public regarding the importance of entering the race data on their driver license applications. With the passage of the Racial Profiling law it

will take approximately five years to collect sufficient data.

### Research

Research to obtain a full understanding of the existence or extent of racial and ethnic bias is an ongoing process. The Utah Commission on Criminal and Juvenile Justice has reported the completion of research concerning the alleged practice of the stacking of charges to determine whether minorities receive more charges than non-minorities. The study results have been delivered to the Juvenile Disproportionate Minority Confinement Committee and the Commission's Research Subcommittee. Other research topics are either in progress or have yet to be implemented.

- The Salt Lake City Prosecutor's Office in conjunction with and as a member of the Statewide Association of Public Attorneys has initiated an internal audit to examine the issue of race and ethnic fairness with its prosecutorial mission. This internal audit includes an examination of the Salt Lake City Prosecutor's Office Work Composition.
- The Salt Lake City Prosecutor's Office determined that, as a public institution, it has an obligation to self-examine any alleged bias or prejudice in its functions both for itself (internally) and for the role it plays (externally with other agencies) in the larger context of the criminal justice system.
- The discovery of any questionable practices would serve as an institutional win. The real importance is that a public institution is proactively seeking to remedy perceived or actual bias. The only loss in this equation would result from the failure to do anything as a public institution. Perceptions must be addressed even if not true, and if true, the necessity is self-evident.
- Preliminary findings indicate no clear patterns of bias or prejudice in the Salt Lake City Prosecutor's Office, but do highlight areas requiring further examination to fully understand the relationships between race, ethnicity and the process of the justice system.

For detailed information from each of the agencies, please **see *Agency Progress at a Glance* and the *Appendices***.

### **Systemic Implementation**

The Commission continues to track and monitor the performance of HB 101, Racial Profiling, passed during the 2002 General Session. The bill remains important to enhance the ability of agencies to gather data solely for research purposes. The Commission's efforts to examine and enhance the performance of this legislation is ongoing. During this reporting period the Commission has not engaged in any legislative efforts. However, the Commission has under review, for the coming year, its role in the passage of hate crimes legislation.

## **2004 Commission Subcommittees**

The Commission recognizes the dynamic nature of the complexities of working to achieve racial and ethnic fairness. This requires a continual reexamination of the implementation process. Therefore, in 2002 the commission formed five Subcommittees to provide deliberate and focused attention to specific collective goals. These subcommittees are: Community Involvement; Complaint Processes; Indigent Defense; Outreach/Employment and Recruitment; and Research. To better improve efforts, in late 2003 the Commission decided to merge portions of the Indigent Defense Subcommittee into the Research and Community Involvement Subcommittees. Recognizing the importance of indigent defense, the merge occurred with the understanding that the Indigent Defense Subcommittee will be reconstituted in the near future, if not by the end of the 2004 calendar year.

In 2002, each of the Subcommittees articulated a mission/focus and action plan for the 2003 year and identified at least three priority areas for the consideration of the Commission. From the submitted priorities, the Commission identified four priorities to be the focus of the Commission's work for 2003. Recognizing that these goals take time to accomplish and it is more important to make meaningful change rather than finishing quickly, it was decided to maintain the same priorities for the 2004 calendar year. The priorities are as follows and address issues concerning the new Racial Profiling law, communication between the community and the Commission, minority recruitment, and formalizing complaint processes:

- Collect and analyze data in response to the new Utah law on racial profiling. This priority includes education about the purpose of the law and about data limitations.
- Develop strategic plans/goals to bridge, facilitate tensions, and integrate communication processes and information exchange between the Commission, Advisory Council, and community.
- Strengthen and expand the pool of applicants of color.
- Review current complaint processes, develop a standardized complaint form, and establish a complaint notification process to the Commission.

For complete information concerning the subcommittees and their individual priorities for 2004, please see **2004 Commission Priorities and Subcommittee Plans**.

## **2004 Commission Leadership**

In September 2002, the Commission approved its leadership slate for the new year to be effective January 1, 2003. Judge William Thorne was selected as Chair, and Sid Groll, Keith Hamilton and Leticia Medina serve as Co-chairs. The Operations Committee was also enlarged

to include a representative from each of the Subcommittees. The Commission will continue to report progress annually through the publication of an annual report.

### **Citizen Advisory Council to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System**

The Operations Committee, recognizing the need to include members of the various ethnic communities and the community-at-large, formed an Advisory Council of community volunteers. With referral assistance from the State Offices of Ethnic Affairs in July 2001, nearly five hundred invitations were sent statewide to community leaders and ethnic organizations. These requests for nominations and volunteers began the formation of the Citizen Advisory Council to assist in the oversight of the implementation process. Task Force members were also sought for participation. On August 27, 2001, fifty volunteers were invited to an Orientation Meeting and to formally organize the Advisory Council to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System. The membership then elected seven of their peers representing the Hispanic/Latino, African American, American Indian, Asian American, Pacific Islander and community-at-large to serve on the Commission and as liaisons between the Commission and the Advisory Council.

The Advisory Council provides an avenue for creating and maintaining dialogue between the Commission and the communities through citizen participation in monitoring the progress of institutional change throughout the system. The Council will also provide a forum to bring to the Commission information about the realities of the experiences of the various ethnic communities with the justice system and promote an exchange of dialogue to enable better understanding of the justice system in the larger community.

The Advisory Committee must play a significant role as the community's voice if the implementation effort is to succeed. The Advisory Council, like the implementation effort, will continue to evolve and this evolution requires time. The Advisory Council provides the community the opportunity to accept its share of responsibility as an essential stakeholder in the success of the implementation effort.

For complete information concerning the Advisory Council, please see **Advisory Council**.

### **Conclusion**

The Commission on Racial and Ethnic Fairness in the Legal System continues to recognize that achieving racial and ethnic fairness in the criminal justice system is a challenging, ongoing process of evolution, filled with new issues and complexities that arise almost daily. The process requires flexibility to meet changing needs, patience to soften and resolve hard-fastened

historical attitudes and practices, and above all, an abiding conviction to guarantee fundamental fairness in the criminal justice system.

The Commission continues to struggle with a lack of resources, which has many ramifications, including problems in maintaining staff continuity which slowed the progress of the Commission during this reporting period. It will be important for the Commission to maintain and enhance momentum within the criminal justice agencies and guard against complacency in order for the criminal justice system to avoid management by crisis. The challenge will be to raise the priority of the issue of racial and ethnic fairness within all criminal justice agencies. It is important to note that, as of this report, many key players remain at the table, invested in delivering fairness and equity in the criminal justice system.

The Salt Lake City Prosecutor's Office internal audit is a major sign of progress. The responsibilities of the Commission and all criminal justice agencies are clearly exemplified in the internal audit wherein it states:

The office, as a public institution, has an obligation to self-examine any alleged bias or prejudice in its functions both for itself (internally) and for the role it plays (externally with other agencies) in the larger context of the criminal justice system.

The Commission remains committed to the implementation effort.

## **INTRODUCTION**

It has been three years since the culmination of the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System and the publication of *Racial and Ethnic Fairness: Report on the State of the Criminal and Juvenile Justice System*. Through testimonies at public

hearings, Task Force and Subcommittee meetings, and collaborative dialogues with key individuals, literally hundreds of Utahns participated in the examination process. Multiple recommendations at the policy and procedural level were unanimously endorsed by the Task Force. The implementation phase officially began in September 2001, with the inaugural meeting of the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System. However, many legal system agencies began implementation prior to the release of the Task Force report. The efforts continue today with a firm commitment for the future.

We are particularly proud of our efforts because they represent and are supported by a multiplicity of voices. Both the Task Force and now the Commission exemplify the partnership between the legal system agencies and the residents of our state. It is our sincere intent that we continue to work together within the entire legal system to enact and institutionalize equitable change. Racial and ethnic fairness are not issues to be addressed by a select few. Rather, they require the commitment of all individuals who value justice. We are all stakeholders and benefactors of systemic fairness.

This Annual Report documents the continuing work and accomplishments of the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System. It tracks the implementation of the Task Force recommendations and suggests new directions to increase access and fairness. To understand where we are today, a brief history will offer context and affirmation of the five-year foundation on which the Commission stands.

## ***HISTORY***

### **Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System<sup>1</sup>**

On March 6, 1996, the Task Force was convened by the Utah Judicial Council to examine issues of racial and ethnic fairness within Utah's criminal and juvenile justice systems. The Task Force consisted of both those who administer justice and members of Utah's ethnic communities. Chaired by then Chief Justice Michael D. Zimmerman, the Task Force's daily operational management was directed by co-chairs Third District Court Judge Tyrone E. Medley and John T. Nielsen, senior counsel to Intermountain Health Care and chair of the Utah Sentencing Commission. Ms. Jennifer M. J. Yim served as Executive Director of the Task Force. The membership included community leaders, judges, law enforcement officials, prosecution and defense attorneys, adult and juvenile corrections officials.

The Task Force focused full attention on the need to assure racial and ethnic fairness throughout the Utah justice system. The membership unanimously agreed that bias cannot exist if justice and fairness are to be served. The Task Force embarked upon twenty research and needs assessment projects. It further conducted twenty-two statewide public hearings to gather

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<sup>1</sup> Taken from Racial and Ethnic Fairness: Report on the State of the Criminal and Juvenile Justice System, September 2000

testimony on the public experience with the legal system. Critical partnerships were established among the Task Force members, through agency collaborations, and with the community. These alliances are pivotal to the future efforts to ensure racial and ethnic fairness.

The diverse backgrounds and perspectives of Task Force members led to considerable differences of opinion. Much focus was given to whether racial and ethnic bias exists within our criminal justice system, and the role any such bias plays in producing what is an obvious disproportionate number of people of color in the system. Extensive resources were devoted to research projects and a needs assessment, the differentiation between the perception and the reality of bias, and the constraints imposed on bias research by the lack of useful data. After more than four years of research and analyses, the Task Force culminated with its final report and recommendations to increase racial and ethnic fairness throughout the system. The Task Force championed nearly one hundred recommendations, and developed partnerships between justice agencies and the community to enable and sustain their implementation.

Chief among the Task Force recommendations was the creation of a standing commission comprised of representatives of justice agencies and members of the affected communities to follow-up and report on the progress of implementation of the Task Force's detailed recommendations. Without this follow up, the years of work would have been wasted, hence, the formation of the Commission.

### **Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System**

On September 7, 2001, the inaugural meeting of the Commission marked the official start of the implementation of the Task Force recommendations. Although many agencies had already begun to incorporate changes, this was the beginning of the collective efforts of the Commission. Initially chaired by former Chief Justice Michael D. Zimmerman, the first year of the Commission was again co-chaired by Third District Court Judge Tyrone E. Medley and John T. Nielsen, senior counsel to Intermountain Health Care and chair of the Utah Sentencing Commission. Ms. Sandra M. Kinoshita served as Executive Director of the Commission, while the Task Force Operations Committee and leadership continued in the same capacity for the inaugural year of the Commission. This "Transition Team" provided the history and consistency with the Task Force, while the membership was also infused with new members and new substantive ideas. The membership was chosen for their commitment and ability to incorporate change and institutionalize fairness in the criminal and juvenile justice system.

Completing the transition between the Task Force and Commission, in 2002 the Commission formed a new leadership body. Currently chairing the Commission is Court of Appeals Judge William A. Thorne. Sidney Groll, Director of Peace Officers Standards Training, Keith Hamilton, private attorney-at-law, and Leticia Medina, Director of State Community Service, serve as co-chairs. The Commission is intended to be an independent body comprised of representatives from the implementing entities. Membership includes leaders from justice system agencies and community-based organizations, many who also served on the initial Task Force. Although each agency is responsible for their own implementation of Task Force

recommendations, the Commission will publish an Annual Report of its progress and make modifications in the recommendations.

This first year of the Commission served as a foundation for the implementation process. Commission agencies and organizations presented reports on their implementation progress at monthly meetings while also educating members about their roles and responsibilities within the system. During this second year, much of the focus at Commission meetings has shifted to inter-agency collaboration. The Commission has utilized its subcommittees to address systemic concern with the legal system (see subcommittee reports). Along with agency cooperation, the Commission recognizes the fundamental importance of working with communities and is continually working on improving lines of communication.

Although the highest priority is placed upon implementing Task Force recommendations, the Commission is working collectively on projects to increase racial and ethnic fairness in the legal system. Continuing the Task Force's commitment to community collaboration and input, the Commission formed a citizen Advisory Council to partner in the systemic change efforts.

### **Advisory Council to the Commission on Racial and Ethnic Fairness in the Legal System**

With referral assistance from the State Ethnic Offices, nearly five hundred invitations were sent statewide in July 2001. These letters were delivered to community leaders and ethnic organizations as a call for nominations and membership on a citizen advisory council to assist in the implementation of racial and ethnic fairness initiatives in the legal system. In addition, some Task Force members volunteered to participate on the council, eager to ensure that the work of the Task Force be actualized. The Advisory Council works together with the Commission, providing a critical role in the eventual transition from governmental possession to public ownership.

The purpose of the Advisory Council is to provide communication between the community and the Commission. The Advisory Council actively advises the Commission and its members on Task Force recommendation implementation and related efforts. Furthermore, subcommittees are formed to address timely and pertinent issues including judiciary demographics, system education, testimonials to government-appointed committees, and the self-governance of the Council.

On August 27, 2001, the Advisory Council to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System held its Orientation Meeting for the forty-eight volunteer members. Within days, the membership elected seven of their peers to serve as Commission members. Five of these Commission seats are race-specific, while the other two designees represent the community at-large. Additionally, an Executive Committee to the Advisory Council was created in November 2002 to direct the operations of the Advisory Council.



## ***RECOMMENDATIONS***

The implementation of Task Force recommendations remains a priority for all Commission agencies. Upon joining the Commission, members sign a resolution to implement the recommendations to influence institutional change at the policy and procedural levels. All of the Task Force recommendations were authored and endorsed by representatives throughout the legal system and community. Although they are not a checklist for cultural competency, the recommendations represent the voices of hundreds of Utahns, system agencies, and four years of intensive examination. The Commission has accepted the responsibility to implement these changes and will be held accountable for progress through Annual Reports.

Task Force Recommendations fall into eight categories: Workforce: Recruiting/Hiring, Training, Interpreting, Community Resources/Outreach, Complaint Processes, Administration, Data, and Research. Most recommendations are directed to specific agencies, while a few are intended for system-wide implementation. It is the responsibility of each agency to implement their specific recommendations.

Task Force recommendations are conceptually clear in their intent. However, legal system agencies are encouraged to make necessary adjustments to the process of accomplishing each action item. For instance, agencies should ensure that the process is applicable to their clientele, maximizes usefulness and efficiency within the organization, and creatively challenges the realistic confines of their resources. If a recommendation cannot be immediately implemented in full, agencies are asked to do so incrementally. Detailed accounts of agency efforts are available in the appendices of this Annual Report.

As a central oversight body for implementation, Commission members are able to see mutual needs, initiate collaborative efforts, and track the progress of institutional change throughout the system. Monitoring implementation offers a sense of accomplishment, accountability, and serves as a form of checks and balances. We are aware that Task Force recommendations are not a checklist for cultural competency. Rather, we live in a dynamic world of changing needs and expectations that requires us to evolve as new challenges arise, and as weaknesses in our current practices are revealed. Upon joining the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System, each member committed to the implementation of Task Force recommendations and the continued improvement of our justice system for all people.

### ***2003 ANNUAL REPORT***

The Commission is pleased to present this second annual report. A limited number of Executive Copies have been printed for distribution. The Executive Copy contains only a portion of the full report. Please refer to the internet for the 2003 Commission Implementation Report in its entirety. The world wide web address is:

**<http://courtlink.utcourts.gov/specproj/retaskforce/index.htm>**

For additional background information, you can access the Task Force Final Report, implementation information, and supporting research at this same internet site.

## **Advisory Council Report to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System**

During the introductory year of the Advisory Council, meetings consisted of Commission reports, legislative updates when applicable, and Council business. Advisory Council members served an active advisory role and provided communication between the system agencies and Utah's racial and ethnic communities. Commission members and leaders throughout the Utah legal system also provided education and resources at each meeting. During the year, the Council identified areas important for ethnic community involvement.

The first part of 2003 was marked by the transition of staff leadership through three successive

Commission directors. During this period of adjustment some activities were put on hold. As a result, the Advisory Council does not have anything to report for the period between January 2003 and June 2003. However, as proof of its versatility and commitment to racial and ethnic fairness, many activities were initiated in the latter part of 2003 to regain momentum.

The Advisory Council actively worked with the Community Involvement subcommittee in planning and advertising town hall hearings. In many cases the Council was at the forefront of mobilizing communities to participate in open dialogue with state agencies. Four public hearings were held between July 2003 and November 2003 with several others planned for the early part of 2004. As a result of this dialogue, several communities stepped forward, requesting town meetings of their own. Legal education classes are now being taught regularly at the Indian Walk-in Center as a result of concerns raised at the town hearings.

This Council, similar to the Commission, realizes the necessity for communities to have a stake in the process of improving racial and ethnic fairness in the legal system. The need for community input is central to the function of this Council. As a means to serve its mission as a liaison between communities and the Commission, the Advisory Council promoted community concerns at Commission meetings. Priorities brought up at meetings included: issues between local agencies in Ogden and the community, interpreter needs at initial intake and probation, and a proposed standard on the use of deadly force.

In November 2003 the Advisory Council brought to the attention of the Commission community concerns with the legal system in Ogden. As a result, a subcommittee was formed to work with local agencies and the community to facilitate dialogue and pursue options for improving access and communication. This subcommittee is still in the process of facilitating dialogue.

A subcommittee was formed in December 2003 to work in conjunction with the Utah State Bar and the Commission to plan activities related to the 50<sup>th</sup> anniversary of the Brown v. Board of Education decision. Advisory Council involvement will include determining locations for a rotating film, selecting relevant films, identifying potential panel speakers and participating in planning newspaper inserts and articles.

For the 2004, among other activities, the Advisory Council is examining rotating meetings North and South of the Greater Salt Lake area. This is an attempt to reach a broader range of community members and gain perspectives of racial fairness from other parts of the State. Also, early on, to become more effective, the Advisory Council members noted the need to educate themselves about the legal system. To address this concern educational presentations by various segments of the legal system are included in Advisory Council meetings. Previous presentations have included: the Board of Pardons, Juvenile Court, and Corrections re-entry initiatives. Meeting topics have also revolved around current community concerns, including: effective hate crimes legislation, complaints within the legal system, and supporting a minority judge for reappointment.

On November 5, 2002, the Advisory Council elected its leadership for 2002 - 2004. With

transitional changes, the Executive Committee currently consists of Chair Mary Daniels, Vice-Chair Larry Houston, and At-Large members Jan Saeed, Deidre Tyler and Tony Yapias. Commission ties will continue through the seven members elected at the beginning of the year.

### **Response to the Annual Report**

At the request of the Commission and in an effort to work with the community, a subcommittee to the Advisory Council reviewed the annual report prior to its release. The intent was to provide community feedback to member agencies. In its evaluation, the subcommittee agreed that while the Commission has shown a sincere effort to improving racial and ethnic fairness, there is still a long way to go.

Across the board, the subcommittee agreed that data collection and statistics are an important component of any effort for racial fairness. In future annual reports, agencies should provide statistics on their work force composition. The Division of Youth Corrections, Salt Lake Legal Defenders and Salt Lake City Prosecutors should be applauded in their efforts in this aspect. The ideal would be for agencies to have a workforce reflective of the populations that they serve.

Additionally, this subcommittee was surprised to learn that only three of fifty-six judicial nominating commission members are minorities. Communities, the Commission, the Bar, and agencies should work together to promote qualified minority candidates for the Judicial Nominating Commissions. The nominating commissions should be even more diligent in pursuing potential minority candidates to the Governor's Office. The Governor's Office should take a higher consideration of the need for a diversity of backgrounds when making selections. The Utah Minority Bar Association has been promoting candidates for nominating commissions. It would be a tremendous benefit to minority communities to see those efforts bear fruit.

This subcommittee also agreed that training and interpretation are important issues for all agencies. The cultural competency training courses that have taken place at almost every Commission agency are a great start to recognizing the importance of diversity. However, as mentioned in the Task Force recommendations, training should be on-going. Some agencies have already begun this process and it should be a process that all agencies participate in.

A topic of dialogue that was not addressed this year was hate crimes legislation. While all member agencies are supportive of hate crimes legislation, no clear efforts have been made. SWAP and CCJJ have worked significantly in the past to promote effective hate crimes legislation. The Advisory Council and this subcommittee recommend that the Commission promote the passage of an effective hate crimes in future legislative sessions.

## **2004 Commission Priorities and Subcommittee Plans**

The Commission on Racial and Ethnic Fairness in the Legal System recognizes that, just as the issues surrounding ethnic and legal fairness are not static, working to achieve racial and ethnic fairness is an ongoing process that brings with it new issues and complexities. In the process of implementing Task Force recommendations, the Commission found that other issues naturally arose which required further attention. Some recommendations were deemed unworkable as written or other alternatives were found to be more appropriate and effective.

In 2002, to better address implementation, the Commission formed five subcommittees to enhance its ability to provide deliberate and focused attention in specific areas that would support its collective goals. The subcommittees are Community Involvement, Complaint

Processes, Indigent Defense, Outreach/Employment and Recruitment, and Research.

Each of the Subcommittees articulated a mission/focus and action plan for the 2003 year (see individual reports). At the Commission's October 2002 meeting, members voted on four priorities that became the focus of the Commission's work for the 2003 calendar year. As these priorities reflect significant commitment and ongoing activity, they will remain the focus for 2004 and will be revisited at the end of the year.

### **Commission Priorities**

- Collect and analyze data in response to the new Utah law on racial profiling. This priority includes education about the purpose of the law and about data limitations.
- Develop strategic plans/goals to bridge, facilitate tensions, and integrate communication processes and information exchange between the Commission, Advisory Council, and community.
- Strengthen and expand the pool of applicants of color.
- Review current complaint processes, develop a standardized complaint form, and establish a complaint notification process to the Commission.

Prioritizing the Commission's collective efforts will maximize the benefits that flow from collaboration. Influence and expertise are shared, while energies and resources are focused. Progress during 2003 and action plans to achieve these goals in 2004 are summarized in the following subcommittee reports. Additionally, the Commission will continue to develop steps to accomplish each priority in a meaningful and efficient manner.

### **Complaints Process Subcommittee**

#### **Mission/ Focus:**

The focus of the Complaint Process Subcommittee is to gather information to track and facilitate complaints of racial and ethnic bias in the criminal justice system.

#### **Membership:**

Leticia Medina (Chair)

Kal Farr, Executive Director, Utah Chiefs of Police Association

Sidney Groll, Director, Utah Peace officer Standards & Training

Keith Hamilton, Commission Co-Chair

Honorable Tyrone Medley, Third District Court

Joan Smith, Board Member, National Conference for Community and Justice

### **Reporting Period Activities:**

This subcommittee has debated the role the Commission should have with respect to complaints received directly by the Commission regarding law enforcement or other state criminal justice agencies. This subcommittee arrived at the conclusion that it should not exercise oversight or appellate responsibilities in relation to complaints involving other agencies. The Commission's role would be better served as an alternate place where complaints could be submitted. Any complaints would then be forwarded to the appropriate agency with the understanding that the Commission could possibly offer to facilitate dialogue if a breakdown occurs in the process. It should be noted that the Commission does not wish to mediate individual cases but rather has focused on making systemic improvements to the complaints process.

The subcommittee has focused its energies on law enforcement for this reporting period. The task of coordinating efforts with hundreds of law enforcement agencies to develop a centralized process, coupled with the lack of resources, calls for the subcommittee to refocus its goals in addressing the systemic issue of complaints of racial and ethnic bias in the criminal and juvenile justice system. Initially, the plan for this group was to create a statewide centralized complaints process for all law enforcement entities. The purpose would not have been to restructure complaint handling processes but rather to create a mechanism for tracking complaints.

The current plan recognizes that, although all law enforcement entities have a complaints and appeals process, they may not have reduced the plan to writing in a manner that describes the process in detail and how it is initiated, and that is easily accessible to interested parties. This subcommittee recognized that its efforts would be best served by developing a user-friendly form to record complaints received by the Commission and to forward any such complaints to the appropriate agencies for action. In this manner, the Commission would also be able to facilitate dialogue between agencies and communities if a complaint were made known to the Commission.

### **Plans for 2004:**

The Task Force recommendations suggest that all law enforcement agencies have a written description of the complaints process. To this end, the subcommittee is assessing the number of law enforcement agencies in Utah with a written complaint review processes in place and working with law enforcement agencies and POST council in assuring that most, if not all, law enforcement agencies will have written complaint process in the place by the end of 2004. To accomplish these goals, two measures are being undertaken:

- 1) An initial survey has been sent to every law enforcement agency in the State asking the two simple questions of:
  - a) Does your agency have a complaints process?
  - b) Is this complaints process in written form and available to citizens upon request?

2) Law enforcement leadership organizations are asking every law enforcement agency to have in place, a written document describing their respective complaints processes as a requirement for accreditation with state or national law enforcement accreditation boards.

These two measures are in keeping with the Task Force complaints recommendations.

Commission on Racial & Ethnic Fairness in the Criminal and Juvenile Justice System

**Public Complaint Form- DRAFT**

The Commission is currently reviewing its policy on receiving and facilitating complaints.

Reviews will be objective. Such reviews may include formal statements from all parties concerned, the gathering of all other information pertinent to the matter. Upon completion of a review, a written report will be submitted to the Commission and concerning agency. The Commission form for such complaints is as follows:

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Name: \_\_\_\_\_ DOB: \_\_\_\_\_



Address:

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Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Date Occurred: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_ Case # \_\_\_\_\_

Who was Involved:	Ethnicity
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Additional information:

I declare that to the best of my knowledge, the information contained in my verbal/written statement is true.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

### Nature of Comment

Comment taken by: \_\_\_\_\_ Date: \_\_\_\_\_

Result of

( ) Traffic contact

( ) Physical Arrest

( ) Other

( ) Court contact

( ) Follow up investigation

Administrative

Action taken:

\_\_\_\_\_  
 Reviewed by Lt./Supervisor: \_\_\_\_\_  
 Reviewed by Capt./Bureau Chief: \_\_\_\_\_  
 Commissioner/Div. Director: \_\_\_\_\_

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Notifications for Investigation Closure

( ) Resolved with citizen/no further action deemed necessary  
 ( ) Citizen notified by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Method: ( ) In person ( ) Telephone ( ) Letter ( ) Other \_\_\_\_\_  
 Task Force Member Notified of findings: \_\_\_\_\_ Date: \_\_\_\_\_  
 Method: ( ) In person ( ) Telephone ( ) Letter ( ) Other \_\_\_\_\_

## **Community Involvement**

### **Mission/Focus:**

Our goal is to devise a framework to improve communication processes between and among the Commission, the Advisory Council, and the community. We hope to stimulate both the justice agencies and members of the community to take actions that will heighten awareness of issues of racial and ethnic bias in the criminal and juvenile justice system and present measures/steps that can be taken by the agencies and the community to address conditions of inequality in the Utah judicial system.

### **Membership:**

Carolina Rosas Webber (Chair), Doctoral Candidate, University of Utah  
 David J. Gomez, UCI Director, Utah State Department of Corrections

Aida Mattingly, Board of Directors, Utah Humanities Council  
 Larry Houston, L-3 Communications  
 Brent Johnson, General Counsel, Utah State Courts  
 Dan Maldonado, Deputy Director, Division of Youth Corrections  
 Haruko Moriyasu, Director, Asian Pacific American Studies  
 Joan Smith, Community Activist  
 Shirlee Weight, State Office of Education  
 Michael D. Zimmerman, Former State Supreme Court Justice and Attorney, Snell and Wilmer,

### **Reporting Period Activities:**

The committee coordinated efforts to hold town meetings for and with local ethnic communities, public administrators and officers of the legal system. The purpose was to: (1) report the progress of the Task Force and the Commission (2) provide an opportunity for the communities to further discuss issues of experience and perceptions about racial and ethnic fairness, and (3) provide a forum for interaction between the community and members of the commission.

The Subcommittee Chair and Commission Coordinator met with the State Ethnic Advisory Council Directors to promote town meetings with their respective communities in July 2003. Hearings were arranged with the support of the directors and various community leaders that focused on groups by geography and ethnicity. Four town meetings were held during which key issues and problems were identified:

#### July 29, Ogden Latino/a Migrant Community, Ogden Weber Community

Key Issues/problems: Need for police officer cultural competency  
 Need for Latino/a administrators and police officers  
 Stronger Minority recruitment efforts

#### Sept 24, African American Community, Community At-Large, Calvary Baptist, Salt Lake City

Key Issues/Problems: Stronger Minority recruitment efforts  
 Need for police officers to treat all members of the public with respect  
 Need for police officers to recognize the special needs of the growing Muslim community  
 Need for educational programs to educate the Muslim Community of the legal system and civil rights

#### Nov. 6, Native American Community, Indian Walk-In-Center, Salt Lake City

Key Issues/Problems: Need for community education of legal terms and the law  
 Need for public administrators, attorneys, and law officers to learn Native American Culture and Language

#### Nov. 12, Asian American Community, Cultural Celebration Center, West Valley City

Key Issues/Problems: Police officer cultural sensitivity – (to counter assumptions and stereotypes

such as all Asians are foreigners)

Need for more Asian American police and probations officers

Stronger Asian American recruitment in West Valley

Continuing existence of issues relating to language barriers; racial profiling; the need for police officer cultural competency were raised in each of the meetings regardless of location and ethnic representation. The meeting held at the Calvary Baptist Church also revealed an additional issue of the need to recognize and address the special needs of the growing Muslim community which was not raised in the original hearings of the Task force.

For a complete summary of our public hearings, please visit our website at:

<http://www.utcourts.gov/specproj/retaskforce/> .

In keeping with this subcommittee's goals to: "Develop strategic plans/goals to bridge, facilitate tensions, and integrate communication processes and/or information exchange between the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System and the Advisory Council to the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice system," the Commission participated in the following:

- Subcommittee Chair and Commission Director presented commission efforts and goals at the First Annual Conference on Latino/a Health and Safety Issues, August 18, 2003.
- Subcommittee members facilitated productive dialogue between a local ethnic community and local officers of the law on Dec 15, 2003.

#### **Plans for 2004:**

- The subcommittee will continue to facilitate town meetings for and with local ethnic communities, public administrators and officers of the legal system.
  - Pacific Islander Community, two meetings projected for March 2004
  - Latino/a Community, Park City, April 2004
  - African American Community, Ogden, 2004
- Identify/target key issues and problems that emerged during the 2003 Town Meetings and develop forums/platforms for discussion, including:
  - Language barriers
  - Lack of ethnic minority representation in the system
  - Racial profiling
  - Need for cultural sensitivity training
  - Minority recruitment
  - Educating the public on House Bill 101, Racial Profiling Bill

- Recognize local administrators and officers of the law for their efforts to promote equity and fairness in the judicial system.
- Refine strategic plans for working with the general public at large.
- Target community councils, chambers of commerce, private and public organizations to discuss the cost of crime.  
Coordinate this work with the research committee
- Identify indigent defense issues.

The subcommittee for community involvement recognizes the following individuals and organizations for their support in planning the 2003 town meetings and/or ongoing commitment to equity and fairness in the legal system

Ogden Weber Community Partnership  
 Francisco Lucio, Interpreter  
 Tony Yapias, Director, Office of Hispanic Affairs  
 Weber County Sheriff  
 Celebration Center  
 Diane Hamilton, Facilitator  
 Office  
 Reverend France Davis, Calvary Baptist Church  
 Bonnie Dew, Director, Office of Black Affairs  
 Donna Maldonado, KRCL Radio General Manager  
 Indian Walk-In Center and Circle of Wellness  
 Edith Mitko, Director, Office of Asian Affairs  
 Rosa Hsu, Program Coordinator, Office of Asian Affairs

Kathy Elton, Facilitator  
 Bev Klungervik, Facilitator  
 Asian Association of Utah  
 West Valley City Cultural  
 West Valley City Police Department  
 West Valley City Prosecutor's  
 Office  
 West Valley City Justice Court  
 Salt Lake City Police Department  
 Salt Lake City Prosecutor's Office  
 Salt Lake City Justice Court

## **Outreach and Recruitment Subcommittee**

### **Mission/ Focus:**

The focus of this subcommittee is to pro-actively take steps to increase employment of minorities in all law enforcement and justice related occupations. This involves identifying existing barriers to both recruitment and employment and then developing strategies for overcoming such barriers.

### **Membership:**

Daniel Becker (Chair), *Court Administrator, Utah State Courts*  
 Honorable William Thorne, *Utah Court of Appeals*  
 David Gomez, *UCI Director, Utah Department of Corrections*  
 Sheriff Brad Slater, *Weber County Sheriffs Department*

Robert Flowers, *Commissioner, Utah Department of Public Safety*  
 Sidney Groll, *Director, Peace Officer Standards Training*

### **Reporting Period Activities:**

The subcommittee has directed its work during this reporting period in two areas: 1) law enforcement recruitment strategies; and 2) conducting a focus group of newly employed juvenile probation officers and case managers. In addition, the committee reviewed and recommended to the Commission a model RFP format for considering cultural competency in awarding contracts, and is reviewing the agency reports on recruiting and hiring for the Commission's Annual Report.

### Law Enforcement and Recruitment

In follow-up to information received from the focus group of law enforcement and corrections officers held last year, the subcommittee has undertaken an effort to put together a working group of law enforcement officers from across the state to assist the subcommittee in its efforts to attract minorities into the law enforcement profession. Sheriffs and Police Chiefs from across the state were contacted and requested to identify an officer to be a part of the working group. Twenty-one officers have been identified.

### Juvenile Justice Employment Focus Group

During this reporting period the subcommittee began work on recruitment and employment of juvenile probation officers and case managers. A focus group consisting of four newly hired Juvenile Court Probation Officers and Youth Corrections Case Managers was conducted to gather information on their experiences with respect to the recruitment and hiring process as they personally experienced and to solicit their ideas on how these practices could be improved.

### **Plans for 2004:**

#### Juvenile Justice Employment Focus Group

The subcommittee will meet to discuss what was learned from the focus group and develop a strategy for improving minority recruitment and hiring during the year.

#### Law Enforcement and Recruitment

The subcommittee met in January with the twenty-one officers to discuss how the workgroup will proceed, their task, and a timetable. It is anticipated that working with this group of officers will constitute a major part of the subcommittee's activity during the coming year. The major part of the subcommittee's focus will be to work with the group of officers from across the state to target minority students in an effort to attract minorities into law enforcement. The group will work with high school resource officers to provide mentoring support to individual students, that will include assisting students in preparing for tests.

The membership on this subcommittee is as follows, with potential for expansion in the future:

Norah Beech, *Officer, Murray City Police Department*  
 Craig Black, *Captain, West Valley City Police Department*  
 Reyna Cameron, *Detective, Mapleton Police Department*

Richard Chin, *Officer, Murray City Police Department*  
 Colonel Scott Duncan, *Superintendent, Utah Highway Patrol*  
 Julie Ellis, *Employment Specialist, Salt Lake City Police Department*  
 Mike Fowlks, *Captain, Division of Wildlife Resources*  
 Vince Garcia, *Sergeant, West Valley City Police Department*  
 David Holm, *Lieutenant, Cedar City Police Department*  
 Doug Lucero, *Lieutenant, Ogden City Police Department*  
 Johnny McCoy, *Chief, Smithfield Police Department*  
 Jerry Mora, *Lieutenant, Tooele County Sheriff*  
 Victor Quezada, *Sandy City Police Department*  
 Greg Ridler, *Captain, Logan Police Department*  
 John Salazar, *Sergeant, Midvale Police Department*  
 Chris Snyder, *Captain, South Salt Lake City Police Department*  
 Yolanda Stewart, *Sergeant, Orem Police Department*  
 Robert Tersigni, *Chief Deputy, Washington County Sheriff*  
 Craig Vargo, *Captain, Salt Lake City International Airport Police Department*<sup>+</sup>  
 L. Daniel Williams, *HR Analyst, Department of Corrections*  
 Bart Wilson, *Sergeant, Payson City Police Department*  
 Robert Yeman, *Captain, Davis County Sheriff*

## **Research Subcommittee**

### **Mission/ Focus:**

The focus of the Research Subcommittee is to honestly examine the issue of racial and ethnic fairness in the legal system through reviews of research studies and surveys that are scientifically-based and are conducted through recognized research methodology. Based on this review, the subcommittee may propose that the Commission generate a response, conduct further research, or let the study stand as completed.

### **Members:**

Edward McConkie (Chair), *Executive Director, Utah Commission on Criminal and Juvenile Justice (CCJJ)*

John Adams, *Past President, Utah State Bar*  
 Dr. Deidre Tyler, *Associate Professor, Salt Lake Community College*  
 Mike Haddon, *Research Director, CCJJ*  
 Russ Van Vleet, *Director, Criminal and Juvenile Justice Consortium*

### **Reporting Period Activities:**

The Research Subcommittee tracked and assisted several key research projects, both finished and ongoing.

#### Racial Profiling

One of the most significant research projects to the Commission may very well be one of the most controversial and complicated ones as well. HB 101, Racial Profiling, required that the race and ethnicity of the driver stopped by law enforcement be logged as well as the race, ethnicity, and gender of the officer. The Commission on Criminal and Juvenile Justice (CCJJ) is tasked with collecting, evaluating, and reporting on the data.

The year 2003 demonstrated a number of obstacles that arose with the intent of the statewide research study. These included an unexpected low percentage of driver license applicants volunteering such information. As CCJJ researchers scrutinized similar studies in other jurisdictions, the dearth of data required in the new law was magnified when considering some of the primary goals of the research, i.e., demonstrate whether any empirical evidence exists of law enforcement using inappropriate racial profiling in traffic stops.

Nevertheless, CCJJ is committed to following the law as written, continuing to work with necessary agencies on data gathering, and, fortunately, recent reports show that the percentage of license applicants volunteering the necessary information is increasing. (Unfortunately, another trend shows the data on the actual purpose of the stop is decreasing.)

Perhaps more importantly, although the data for the traffic stop profiling study is limited, it is still somewhat of an historic effort in data gathering. As the pool of data increases over time, it is reasonable to expect that it can be used for research comparisons unrelated to the narrow question of law enforcement profiling but to broader and potentially more important racial and ethnic fairness issues in the justice systems. For example, having a traffic stop pool of racial and ethnic data collected specifically for the justice system and which permits tracking of cohorts of persons as they progress through the justice system may facilitate future studies ranging from looking for ethnically or racially disparate prosecutorial practices to similarly undesirable decisions made by judges in sentencing or in release decisions by the Board of Pardons and Parole. Thus, the data collected under HB 101 may well permit ongoing and thorough research that will yield a fuller understanding of the existence and extent of racial and ethnic bias throughout the justice system.

#### “What Works” In the System

A key envisioned cost-benefit analysis is finally finished and ready to analyze programs in the adult justice system. Under the direction of Professor Richard Fowles of the University of



Utah's Economic Department, this complicated model will provide policymakers vital information on the effectiveness of a given program or policy. This is directly in line with the Task Force recommendation of implementing management information systems that capture "what works" predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.

#### Race and Juvenile Sentencing In Utah

A partnership between the Utah Sentencing Commission and the Criminal and Juvenile Justice Research Consortium resulted in a pioneering study on juvenile sentencing and youthful offenders of color. In essence, the study concluded that juvenile offenders of color with similar offenses and delinquent backgrounds received a statistically significant amount of more severe dispositions than their white counterparts. As planned in the previous Commission report, this same study examined the relationship between guidelines and pre-sentence investigations and the actual judicial sentence itself.

While the findings are, indeed, significant, they also present a number of new questions that need to be further investigated. For example, further study is needed as to whether other non-racial reasons may account for the disparity such as socio-economic, language, or education factors.

#### Prosecutorial Conduct and Race

One of the most important places in the justice system where broad discretion is vested that can have profound impact is with the public prosecutors. Therefore, the subcommittee is considering new research directed at prosecutorial practices. There is little research available, given the elusive practice of plea negotiations and the difficulty in quantifying prosecutor conduct.

Important research is already underway involving the Salt Lake City Prosecutor's Office. Chief Prosecutor, Sim Gill, one of the newest member of the Commission, has not only welcomed the research and investigation, he has had the foresight to anticipate the need by collecting racial and ethnic data in anticipation of such research if and when resources became available.

Again, partnering with the Research Consortium, intriguing conclusions are trickling in about the charging, dismissal, and conviction rates of minority defendants in comparison to their population in the community. Given the disproportionate involvement of minorities in the justice system, some conclusions are not surprising, but others are very much so. For example, while the rate of Native American defendants being charged is disproportionately high, once charged, the dismissal rate for the same research group was even higher. In addition, the rate of charged Latino defendants was very low in comparison to their population in the community.

A prosecutorial area that needs continued research is the correlation between case loads and plea negotiations. This would include a distinction between defendants with public attorneys and those with private attorneys to determine if this is primarily a socioeconomic issue or a racial discrimination issue. Another example is an examination of the percentage of minorities that plead guilty to the original charge due to cultural values that dictate individuals accept responsibility for their actions rather than negotiate for a better outcome.

**Plans for 2004:**

The Subcommittee will continue to track and attempt to facilitate current race and ethnic fairness research which is already underway or needing to begin. It will continue its process of completing an overview of the status of research related recommendations contained in the report by the Task Force on Racial and Ethnic Fairness in the Legal System. (*See progress at a glance-research*). The overview will identify if the study was completed, is in progress or is not feasible. If the study was completed, an overview of the findings will be listed. If the study is in progress, a target completion date will be identified. If the study is not feasible, the Subcommittee will explain the problems related to the study and, if appropriate, make suggestions for how the study can be modified.

Finally, the subcommittee will identify a process for how the findings from completed research studies are utilized and shared with agencies and the general public.

**Indigent Defense Subcommittee****Mission/ Focus**

Indigent defense is a political issue that varies severely by ownership, financial resources, and location throughout the state. The focus of this subcommittee is to serve as a vehicle to heighten awareness of indigent defense issues, needs, and the process from a client perspective. Advocacy and education will target ethnic communities, the public at large, attorneys, and policy makers.

**Members:**

Anthony Smith (Chair), *Behavioral Health Director, Indian Walk -In-Center*  
 David Biggs, *Assistant Director, Salt Lake Legal Defender Association*  
 Paul Boyden, *Executive Director, Statewide Association of Public Attorneys*

**2003 Activities:**

The scope and diverse nature of the issues did not allow this subcommittee to accomplish the plans set forth in the 2003 annual report.

**Projected Activities for 2004:**

The two areas of concern for the subcommittee were to: (1) research and collect data to determine the extent of the need and availability of indigent defense provisions and (2) improve community outreach and education. These priorities have been reassigned to the Research and Community Outreach subcommittees, respectively. The need for the Indigent Defense Subcommittee will be revisited as more information becomes available.

**PROGRESS AT A GLANCE**

Racial and ethnic fairness in the legal system is not an ideal that is achieved through a mere checklist of activities that once completed can be put to rest. Rather, the effort to achieve a justice system that is not influenced solely by the color of a person's skin or by his or her ethnic heritage is an ongoing and active process. Justice for all is something that must be worked on every day and must be present in the minds of those who are both participants and workers within the justice system.

Yet, it is still important to continually measure our efforts, highlight accomplishments and specific projects completed, and identify strategies that hopefully one day will emerge as a standard way of doing business. With these thoughts in mind, the following table reports the

status of each recommendation, the agency or agencies responsible, and, where appropriate, identifies a source for further information.

The information in this table is based upon self-reports from agencies and representatives of the responsible parties and includes activity within the agency during this past year. This table should not be used as the sole measurement of the Commission's work or the work of the agencies identified. Instead, the table should be used as a fluid document that is continually updated and modified, establishing a pattern of progress toward racial and ethnic fairness.

In using the tables, reference should also be made to the reports of the respective subcommittee(s). The Complaints Process, Community Involvement, Outreach and Recruitment, and Research Subcommittees activities during the past year have focused on the many of the issues of concern to the various agencies. The reports are therefore important to consider in reading the following tables.

### **Workforce: Recruiting/Hiring**

<i><b>Task Force Recommendation</b></i>	<i><b>Responsible Agencies</b></i>	<i><b>Status</b></i>	<i><b>Reference</b></i>
1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.	All Commission Agencies	<p><u>Plan in Place</u>: POST, Courts, DY, DOC, BOPP, and Bar</p> <p>Chiefs—Majority of police departments have plan in place; Sheriffs—20 of 29 counties, as required by state law</p> <p><u>Not required by law</u>: SLLDA, SWAP, Sent Cmsn, CCJJ</p>	Appendices; DHRM Admin Rule 477-2; Agency websites
2. Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.	Chiefs, Sheriffs, POST	<p>Efforts include job fairs, conferences, School Resource Officers, and POST Police Corps program.</p> <p>The recruitment subcommittee has formed an officer work group to create strategies for minority recruitment.</p>	Appendices

3. Peace Officer Standards and Training (POST) and law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.	Chiefs, Sheriffs, POST	Some departments/offices use psychological profiles or character assessment instruments in application process.	Appendices
4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.	All Commission Agencies	Individual agencies have plans in progress; The recruitment subcommittee is conducting focus groups and a law enforcement recruitment group has been formed.	Appendices and Subcommittee Reports
5. All county commissions awarding legal defender contracts in Utah should consider the issue of workforce diversity as an important factor in its review and assessment of the qualifications of contract applications.	No Commission Agency identified	The Juvenile Disproportionate Minority Contact Committee (DMC) has prepared a model which has been endorsed by the Commission.	The DMC of the Utah Board of Juvenile Justice
6. The Administrative Office of the Courts should conduct an examination of the racial and ethnic diversity of the courts workforce by judicial district to ensure progress in the goal of increasing workforce diversity. This examination should occur at least annually.	Courts	The “Workforce Composition Report” and “Utilization Analysis Report” will continue to be done annually. A new “Minority Retention Report” is also conducted.	Appendices and Utah State Courts Human Resources webpage
7a. The governor should ensure that every judicial nominating commission has a racially diverse membership.	No Commission Agency identified	Racial diversity is one of many factors that are considered. See CCJJ response for current racial make-up.	Appendices; Citizen Advisory Council
7b. The judicial nominating commissions and governor should adopt a policy that expressly recognizes the importance of racial and ethnic diversity in the nomination and appointment of judges.	No Commission Agency identified	No such policy has been adopted. The Courts’ Implementation Committee sends a strong letter to all commissions reviewing judicial vacancies.	Appendices

8. The Judicial Council, as part of the justice court certification process, should ensure that all judicial appointing authorities (city council/county government) recognize the importance of cultural diversity in the workplace and should have in place recruiting processes that result in diverse applicant pools. Further, the appointing authority should retain data relating to the race and ethnic background of applicants for the judicial vacancy for examination by the Judicial Council to monitor compliance with this position.	Courts	<p>A resolution urging local governments to recognize the importance of cultural diversity and to put in place recruitment efforts which will result in diverse applicant pools will be included in the next justice court certification process.</p> <p>A blanket requirement for local governments to collect retention data is not currently possible.</p>	Appendices
9. Judges should consider the importance of diversity on the bar and bench in the hiring of law clerks.	Courts	This is done informally only. Currently 13% of law clerks are minorities	Appendices
10. The workforce of Adult Probation and Parole and the Utah Department of Corrections should establish policies and practices to increase their ability to recruit minority applicants. Hiring practices should be evaluated for their effect on minority applicants. Corrections should seek minority employees actively as new hires or on a contract basis, such as for pre-sentence investigators.	DOC, BOP	<p>DOC Human Resources Bureau reviewed the impact of officer testing and hiring processes on minority candidates. As a result DOC modified their physical pre-test from the Cooper test to the physical skills-based model.</p> <p>A study is underway to examine the success rates of minority applicants.</p>	Appendices
11. The Juvenile Courts and the Division of Youth Corrections, including their contract service providers, should establish policies and practices to increase their ability to recruit minority applicants.	DYC, Courts	The DYC will insert language regarding cultural competency in its upcoming request for proposals release.	The DMC of the Utah Board of Juvenile Justice

## Training

<i><b>Task Force Recommendation</b></i>	<i><b>Responsible Agencies</b></i>	<i><b>Status</b></i>	<i><b>Reference</b></i>
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1a. Peace Officer Standards and Training (POST) certified officers should be required to complete a minimum of four (4) hours per year of diversity training, as part of its forty hour (40) continuing education requirement.	POST	POST offers and encourages four and eight hour cultural competency trainings, but does not have the authority to mandate the curriculum.	Appendices
1b. Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as: <ul style="list-style-type: none"> <li>• Race Versus Culture</li> <li>• Hate Groups and Hate Crimes</li> <li>• Gender as a Unique Cultural Heritage</li> <li>• Domestic Violence Training</li> <li>• Sexual Harassment on the Force</li> <li>• Rape Survivor Awareness</li> <li>• Understanding One's Own Biases</li> <li>• Consequences for Racial Bias on the Job: Can I Be Sued?</li> </ul>	POST	The Cultural Competence curriculum is highly regarded and well received. Addressed in this and other curricula are: Domestic Violence, Peace Officer Liability, Victimology, and Sex Crimes.	Appendices
1c. Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.	POST, Chiefs, Sheriffs	The new curriculum has been developed and employed. POST also assisted in the development of the Utah Multi-Agency Cultural Competence Curriculum. The Chiefs developed and conducted a Train the Trainer session for a skill-based course on culturally competent traffic stops.	Appendices
2a. Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.	Chiefs, Sheriffs	The Commission on Racial Fairness has been invited to the Annual Chiefs of Police Conference in early 2004. Diversity topics will be considered, as needed.	Appendices
2b. Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.	Chiefs, Sheriffs	This recommendation varies on an agency by agency basis. The law enforcement workgroup has considered bringing this issue to law enforcement agencies statewide.	Appendices

3a. The Utah Supreme Court's Board of Mandatory Continuing Legal Education should require attorneys practicing in the criminal and juvenile justice systems to complete cultural competency training on a regular basis.	Utah Supreme Court's Board of Mandatory Continuing Legal Education	At this time, it is not required.	Appendices
3b. The Utah State Bar should offer Continuing Legal Education (CLE) training on cultural competency for attorneys and paralegals in the criminal and juvenile justice systems.	Bar	The Bar has sponsored 7 hours of CLE training this past year.	Appendices
4. The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.	Bar, Courts, SLLDA, SWAP	A pamphlet has been created and will be distributed.  A Commission subcommittee raised this issue with the Supreme Court Criminal Procedures Rules Committee. A rule will not be adopted at this time.	Appendices
5a. The Judicial Council should ensure that all judges (at all levels of court) and relevant court personnel receive regular training on the appropriate use of interpreters in the courtroom.	Courts	Interpreting and Cultural Competency issues will continue to be addressed at judges conferences, though not annually.	Appendices
5b. Judges should receive training on the level of reliability of psychological evaluation results in cases where the mental health practitioner does not speak the same language as the client/defendant, does not have an understanding of the defendant's culture, and in cases where an interpreter is used for the evaluation.	Courts, Adult Probation and Parole	Budgetary constraints dictate that bilingual psychological exams be discontinued until conducted properly.	Appendices
5c. Mandatory cultural diversity training should address the specific needs of court employees, including judges. The training should focus on cultural competency, not only awareness and sensitivity. The Administrative Office of the Courts should create a curriculum for court employees, including judges. Upon completion of the curriculum, the Administrative Office of the Courts should report to the Judicial Council on the status and implementation of its curriculum.	Courts	State Court Administrator mandated that all court employees receive eight hours of cultural competency training between Nov 01 and June 02. It is additionally required for all new court employees. Judges received training at their annual judicial education conferences. The Utah Multi-Agency Cultural Competency Curriculum was created and utilized by many state agencies and private organizations.	Appendices



5d. Judges should receive training on the rights of individuals to serve on juries and defendants to have a jury that reflects a cross section of the community.	Courts	<p>The topic of juror rights was addressed in this year's annual judicial conference.</p> <p>The Judicial Council's Committee on Improving the Jury Pool has conducted additional research.</p>	Appendices
6. Individual judges, at all levels of the courts, and members of the Board of Pardons and Parole should conduct a heightened examination of the sentences they impose to determine whether or not they have, perhaps unintentionally, allowed racism to cloud their judgements.	Courts, BOPP	<p>The Courts have not initiated a study yet. Questions of methodology arose by the contracted researchers and other research studies have taken current precedence.</p> <p>Research has been conducted on the relation between race and sentencing, as well as disproportionate minority confinement in juvenile court.</p>	Appendices; CCJJ website
7. Pre-sentence investigators should receive training on the importance of adhering to sentencing guidelines and their affirmative duty to justify departures with specificity.	DOC	<p>Due to budget cuts, Corrections no longer has independent contractors writing PSI's.</p> <p>Guideline training is on the Sentencing Commission agenda for 2004.</p>	Appendices
8. Training on the nature and impact of racial and ethnic bias within the system should be mandatory for Department of Corrections and Board of Pardons and Parole employees, including pre-sentence investigators (staff and contract). Mandatory training should include communication skills and the minority defendant. This training should assist employees in understanding different cultures.	DOC, BOPP	<p>Pre-Service Academy, In-Service Training, new civilian staff and management, 1<sup>st</sup> Line Supervisors, DIO, UCI, and AP&amp;P receive mandatory and regular training.</p> <p>The Board is working with POST to provide additional training for all Board employees.</p>	Appendices

## Interpreting

<i>Task Force Recommendation</i>	<i>Responsible Agencies</i>	<i>Status</i>	<i>Reference</i>
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<p>1. All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:</p> <ul style="list-style-type: none"> <li>• development of minimal interpreter standards,</li> <li>• utilization of the AT&amp;T Language Line</li> <li>• language training opportunities for law enforcement, including tuition awards and in-house training, and</li> <li>• use of volunteers to provide assistance with both knowledge of language and culture</li> </ul>	<p>Chiefs, Sheriffs, POST</p>	<p>Available services vary greatly by county and resources. There are incentive programs to encourage bilingual skills amongst officers. POST proposal to double hours in Spanish language curriculum. The Chiefs have secured low-cost access to statewide language line that is available to all agencies as needed.</p>	<p>Appendices</p>
<p>2. The public and Bar should be provided with easily retrievable information on individual rights to an interpreter and the availability of interpreter services. Strategies should include:</p> <ul style="list-style-type: none"> <li>• Bar and Court web sites, and</li> <li>• Audiovisual and pamphlet materials available in multiple languages.</li> </ul>	<p>Courts, Bar</p>	<p>Extensive information is available on the Courts website and the Bar in collaboration with the Multicultural Legal Center has prepared a pamphlet on interpreter rights and services.</p>	<p>Appendices</p>
<p>3. The court interpreter certification program should be strengthened and expanded to ensure quality interpretation for all those appearing in court proceedings. Strategies should include:</p> <ul style="list-style-type: none"> <li>• employing a full time administrator, including local managers, as appropriate,</li> <li>• employing full time interpreters as court employees, where appropriate,</li> <li>• establishing guidelines for contract interpreter selection,</li> <li>• monitoring needs requirements for additional language interpreters and certification testing,</li> <li>• establishing and maintaining a code of professional responsibility, discipline, and grievance procedure, and</li> <li>• conducting a concerted effort to recruit skilled interpreters so that there is a high probability exists that a certified interpreter will always be used.</li> </ul>	<p>Courts</p>	<p>All points have been implemented except:</p> <ul style="list-style-type: none"> <li>• budgetary constraints do not allow for a full-time administrator, although a full-time Interpreter Coordinator has been hired in the Third District.</li> <li>* a program manager has been hired by the Legal Department whose duties include oversight of interpreter services.</li> <li>• budgetary constraints do not allow for certification in other languages at this time, but Court-Approved translators are available. However, the AOC did provide financial assistance to a Vietnamese interpreter to travel to a nearby state that does provide certification in that language.</li> </ul>	<p>Appendices</p>

4. Interpreters should be proficiently bilingual and culturally competent to provide the proper language and dialect to an individual before the court. More minorities should be recruited to serve as interpreters.	Courts	The Courts joined the National Center for State Courts' Interpreter Consortium; interpreters are required to attend Courts' cultural competency training; additionally a Language Line is available for immediate access to languages when needed.	Appendices
5. Non-interpreter court employees who have bilingual skills and use those skills as a part of their job duties should be acknowledged through increasing starting salary levels and/or appropriate pay increases.	Courts	Second-Language Stipends have been implemented into policy.	Appendices
6. The Judicial Council should assign the responsibility to the Court Interpreter Advisory Committee of conducting a feasibility study to evaluate the need, viability, and placement of a centralized authority for overseeing the administration of certification and delivery of interpreter services for all criminal and juvenile justice agencies.	Courts	The Court Interpreter Advisory Panel deemed this not workable nor practical due to vast differences across the system. Furthermore, it would compromise budget, priorities, and quality control.	Appendices
7. Judges must assume responsibility in determining that the race, ethnicity or primary language of defendants, witnesses, victims, and counsel do not affect the ability of individual jurors to be impartial and should instruct court participants on the role of the interpreter (including the administration of the oath in open court).	Courts	These practices have been, and will continue to be, taught in orientations and judicial education conferences.	Appendices

### Community Resources/Outreach

<i>Task Force Recommendation</i>	<i>Responsible Agencies</i>	<i>Status</i>	<i>Reference</i>
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<p>1. The State Office of Education should consider the following as strategies to assist in developing the pool of qualified minority applicants for criminal and juvenile justice careers:</p> <ul style="list-style-type: none"> <li>• a pilot criminal and juvenile justice academy/magnet school at the high school level that focuses on the many career opportunities in the criminal and juvenile justice system.</li> <li>• incorporating criminal and juvenile justice issues into the high school curriculum.</li> </ul>	No Commission Agency identified	School Resource Officers frequently teach law-related education classes to students that include a discussion on law enforcement careers.	State Office of Education
<p>2a. The State Office of Education, via their “Prevention Dimensions” K-12 curriculum, should take a leadership role in partnering with the courts, state government, local government, legal organizations, and community groups, to teach the community and students about respect for different cultures, tolerance of difference, and understanding about what constitutes a hate crime.</p>	No Commission Agency identified	Administrators in the State Office of Education institutionalized organizational changes to maximize internal collaboration. The Putting It Together (PIT) Crew coordinated the combining of resources and staff to train the multiple educational dimensions with the Respecting Ethnic and Cultural Heritage (REACH) curriculum. The core trainers have also collaborated with other agencies, including the Salt Lake Valley Health Department.	State Office of Education
<p>2b. The Judicial Council’s Public Outreach Committee should take the lead in helping communities to understand the court process by considering implementation of the following: civics classes for minority communities, tours of the courts for schools and youth clubs, <i>Meet the Judges</i> nights, and having a Court - Community Outreach effort to link the courts and the public.</p>	Courts	<p>The Public Outreach Committee has conducted numerous events and community collaborations.</p> <p>As of this year, the Public Outreach committee has been elevated to a standing committee of the judicial council.</p>	Appendices

<p>3. All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:</p> <ul style="list-style-type: none"> <li>• law enforcement complaint process,</li> <li>• judicial complaint process,</li> <li>• other employee complaint process,</li> <li>• annual report on minority bar,</li> <li>• and web site information on minority bar and judges, to include tribal courts.</li> </ul>	All Commission Agencies	Brown v. Board of Education anniversary activities; School Resource Officers; funding opportunities for efforts to increase understanding of the system; referral to the Judicial Conduct Commission; 1-800 Courts Information line accepts complaints related to the State Courts; website information; internships available through the Courts and DOC, Speakers Bureaus, and numerous events and presentations at the agency level.	Appendices
<p>4. Minority organizations, including the Utah Minority Bar Association (UMBA), should anticipate judicial vacancies, encourage minority lawyers to apply and participate directly in the nominating commission and selection processes.</p>	UMBA, community organizations	UMBA has hosted workshops to assist judicial applicants of color with the application process. UMBA representatives write strong letters in support of minority candidates and attend nominating commission meetings with candidates. This past year, SWAP supported a minority candidate from its organization who is now a judge.	Appendices
<p>5. The Utah Minority Bar Association and other associations should continue efforts to provide scholarships for minority law students and should work toward developing creative methods for expanding its outreach to recruit and encourage minorities to consider pursuing the practice of law.</p>	UMBA, Bar	UMBA provides scholarships to current law school students at its annual banquet. The Bar is considering scholarships but currently unable due to budgetary constraints. Mentoring programs are also available through UMBA.	Appendices
<p>6. The Utah State Bar should promote networking as a means for increasing minority membership and participation. This should include:</p> <ul style="list-style-type: none"> <li>• social events and educational programs,</li> <li>• law school programs,</li> <li>• internships,</li> <li>• scholarships, and</li> <li>• mentor programs.</li> </ul>	Bar	Bar Commission includes UMBA representative as <i>ex officio</i> member, meets regularly with UMBA leadership, supports various fund-raisers, and hosts the law schools' diversity job fairs. UMBA will be hosting the first 50 minorities in the Utah Bar celebration.	Appendices

7. Minority communities should organize support groups to develop intervention and mentor/role model programs for high risk youth.	No Commission Agency identified	Multiple programs are in existence throughout the state. Programs include: <i>Poder Para la Familia Hispana</i> , Community Connection Services and Office of Polynesian Affairs' <i>Project Manna</i> , Indian Walk-In Center Youth Program, the Asian Association of Utah's Culturally Appropriate Resiliency Enhancement (CARE) and Asian-Pacific Islander Life Empowerment (APLE) programs, the National Conference for Community and Justice (NCCJ) Unitown program. The newly-formed National Latino Peace Officers Association has prioritized outreach and youth mentor programs.	State Ethnic Offices, various community groups
8. Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.	All Commission Agencies	All Commission agencies nurture these partnerships at the agency level.	Appendices

### Complaint Processes

<i>Task Force Recommendation</i>	<i>Responsible Agencies</i>	<i>Status</i>	<i>Reference</i>
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1. At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.	Chiefs, Sheriffs, POST	At the agency level; POST also accepts complaints under specific circumstances. Approximately 70% of counties have a formal process. A Commission study is underway for a statewide determination of the percentage of agencies with written processes.	Appendices
2. The Peace Officer Standards and Training (POST) Council should establish a model complaint process for law enforcement agencies. (Multiple issues identified)	POST	POST works with individual agencies to investigate, provide training, and certify managers. POST can exercise independent authority to investigate and discipline. Salt Lake City and Weber County has a Citizen Review Board in place. A model based on national standards is underway.	Appendices

## Administration

<b><i>Task Force Recommendation</i></b>	<b><i>Responsible Agencies</i></b>	<b><i>Status</i></b>	<b><i>Reference</i></b>
1. Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.	All Commission Agencies/ No responsible party identified	This has been identified as an area for the Commission to examine.	Appendices
2. Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.	Chiefs, Sheriffs, POST	Administrators and Associations have no-tolerance policies for bias-based policing.	Appendices
3. Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.	Chiefs, Sheriffs	The Chiefs provide a model "Racial Profiling Policy" on their website, which was adopted also by the Sheriffs in third quarter 2001.	Appendices

4. Law enforcement agencies should seek funding necessary to install video cameras with audio capability to be used in patrol vehicles and micro-cassette recorders to be utilized on citizen contacts away from the patrol vehicle in order to ensure against profiling based on race and ethnicity.	Chiefs, Sheriffs	This is a priority and supported by all departments. Implementation is anticipated in near future.  90% of UHP cars are equipped with in-car video cameras	Appendices
5. Activities by the State Bar should include: • encouraging Utah women of color to participate in bar activities, and • coordinating efforts of Young Lawyers of Utah, Women Lawyers of Utah, Bar and Minority Bar Association to increase the number of minority lawyers and their participation in bar activities.	Bar	Bar Commission includes <i>ex officio</i> members of these three groups, meeting regularly with leadership and supporting events.	Appendices
6. Public defender contracts should be awarded to attorneys who have experience and competency in criminal law.	No Commission Agency identified	SLLDA handles more volume and difficult cases more often than any privately operated, publicly funded agency in Utah.	Appendices
7. Law enforcement, prosecutors, and judges should not be decision makers in the award of public defender contracts. Input from others should be sought by those who decide the awards.	No Commission Agency identified	The identified agencies do not have decision making authority in awards process.	Appendices
8. The budget for appointed attorneys should be separate from the budget for county prosecutors. Since funding a public defender office with funds from the prosecutor budget can create the appearance of a conflict of interest, local governments should ensure that the budgets are separate.	SLLDA, SWAP	Public defender office budgets are separate from prosecutor's office budget.	Appendices
9. Public defender and prosecutor caseloads should be lightened so as to allow more attention to individual cases.	SLLDA, SWAP	SLLDA reports that caseloads have increased despite of decreases for several years. SWAP reports that their loads have increased.	Appendices
10. Comparable pay for comparable experience should be given to public defenders and prosecutors so that lateral transfers within the system are possible.	SLLDA, SWAP	This remains a goal, but may pose potential conflict with other recommendations.	Appendices



11. Public defenders and all criminal defense attorneys should provide their clients with referrals to other agencies that can assist in resolving problems that are not legal in nature and thus outside the expertise of the attorneys.	SLLDA	SLLDA makes appropriate referrals.	Appendices
12. The Legislature, county and local governments should provide additional financial resources to bring all prosecutor and legal defense offices up to the equivalent provided to the Salt Lake District Attorney's Office and the Salt Lake Legal Defender's Association.	SLLDA, SWAP	It is unlikely that the Utah State Legislature would provide this funding.	Appendices
13. In order to develop race-neutral release policies, Utah's criminal justice system should adopt objective criteria for pre-trial release.	DOC	All Pre-Sentence Investigation reports are reviewed by a Corrections supervisor.	Appendices
14. The pre-sentence report header should not include any information on race/ethnicity of the accused and victims. At no time should race or ethnicity be considered in the pre-sentence evaluation, except when that information is an integral component to the pre-sentence evaluation, such as police report descriptions or in hate crimes. The data, however, should be collected and maintained separately and electronically if possible.	DOC	The information is not on the header, but still collected in the O-Track database.	Appendices
15. Upward departure recommendations on pre-sentence investigations should, by policy, require review by a supervisor. Records shall be kept in a searchable form of all approvals for upward departures.	DOC	All PSI recommendations are reviewed by a supervisor.  Records of upward departures are collected in a searchable form .	Appendices
16. The Judicial Council should request annual reports from the Administrative Office of the Courts and the Utah State Bar outlining their progress in implementation of court workforce recommendations.	Courts, Bar	The Courts submit the reports annually. The Bar has and will continue to submit reports upon request.	Appendices

17. Court ordered psychological evaluations (ie., those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client's cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.	DOC	All evaluations are performed by licensed practitioners. Cultural competency training from DOC contract providers will not be required at this time.	Appendices
18. Juvenile justice system services should be provided to the entire family to insure that family issues that may contribute to delinquent behavior are addressed as well as those of the minor.	DYC	During last fiscal year alone, over 69,000 hours of family therapy were provided.	Appendices
19. The Juvenile Court, and its attendant services, such as probation, should expand its operating hours to accommodate work responsibilities of many parents of court clients.	Courts	Offices have experimented with extended hours and Saturday hours. However, utilization during these times have been low. Attempts are always made to accommodate client and parent schedules. Work Crews and special programs operate after hours in almost all Districts. The Assessment and Diversion Unit in 3rd District is open late on Monday and Tuesday until 7:30 p.m. Most other offices stay open until 6 p.m. Those offices that are located in courthouses are challenged by extending hours because of security reasons.	Appendices

20. Advocate positions should be created by the Utah State Courts as a means of helping individuals and families through the court process. The availability of an advocate who is knowledgeable about the system, has a bi/multi-lingual capability, and has demonstrated cross-cultural skills would create a perception of a friendlier and more caring system.	Courts	Court employees receiving Second Language Stipends fulfill part of this role.	Appendices
21. Community based organizations that are engaged in intervention projects targeting minority youth should utilize existing research on reducing risk and enhancing strengths (i.e., the Hawkins Catalano Communities that Care Model) in their program development efforts.	No Commission Agency identified	Utah Board of Juvenile Justice requires all funded programs serving juveniles to utilize a risk-focused model and to evaluate programs using this model.	Appendices
22. The Division of Youth Corrections should include cultural competency as one criteria in its review of contract treatment programs. The ability to serve clients and families whose first language is not English should also be considered.	DYC	Several current contracts are with culturally competent providers. DYC will further attempt to recruit a broader pool at the next request for proposals.	Appendices
23. Treatment programs need to improve their content to recognize that cultural and ethnic differences exist and adjust the program content to better serve the needs of all clients served. Culturally and ethnically appropriate mentor programs should be designed and implemented.	DYC	Several current contracts are with culturally competent providers. Additional improvement will be made pending the release of the new request for proposals.	Appendices

## Data

<b><i>Task Force Recommendation</i></b>	<b><i>Responsible Agencies</i></b>	<b><i>Status</i></b>	<b><i>Reference</i></b>
1. The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.	Chiefs, Sheriffs	This information is not collected at this time. Legislation will likely be necessary for implementation.	Appendices

<p>2. Individual law enforcement agencies should track yearly the following data related to complaint processes:</p> <ul style="list-style-type: none"> <li>• Review board members' race and ethnicity,</li> <li>• Review board members' length of service,</li> <li>• The officer's race/ethnicity,</li> <li>• The complainant's race/ethnicity, and</li> <li>• The overall number of police abuse complaints filed and their dispositions.</li> </ul>	Chiefs, Sheriffs	Most departments do not have review boards. The number of complaints are so few that most cases are handled by the Chief or Sheriff. The new Racial Profiling law currently requires the officer to report his/her race/ethnicity, and Utahns can voluntarily report their race/ethnicity on their drivers license application.	Appendices
<p>3. Law enforcement agencies should keep not only accurate, but readily compilable, accessible and reviewable racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (ie. gang-related stops, traffic violations).</p>	Chiefs, Sheriffs	The new Racial Profiling law will provide this information. Currently DPS is collecting this data and the information is being analyzed by CCJJ.	Appendices
<p>4. The Utah Department of Public Safety should modify and improve the Bureau of Criminal Investigation database. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The Utah Sheriffs' Association, the Utah Chiefs of Police Association, Peace Officer Standards and Training (POST), and the Bureau of Criminal Investigation should give strong support for maintaining a statewide, standardized law enforcement software which would consistently report crime and arrest information. These organizations should seek complete and regular reporting from all law enforcement agencies in the state.</p>	Chiefs, Sheriffs, POST, DPS	This has not been implemented, but standardization, automation, and interactive databases are goals for many counties. Collaboration is encouraged.	Appendices

5. The Utah State Bar and Utah Minority Bar Association should track and report racial data to the Utah Supreme Court, including: <ul style="list-style-type: none"> <li>• number of minorities employed at the Bar,</li> <li>• participation of minority lawyers in bar activities and leadership positions, and</li> <li>• racial and ethnic composition of Utah State Bar, including applicants for Bar exam.</li> </ul>	Bar	Reports are provided at request; 13% of Bar staff are ethnic minority and Bar Commission includes two commissioners of color. Racial/ethnic composition of Bar membership is estimated to be 4% of the total number of lawyers statewide.	Appendices
6. Salt Lake Legal Defender's Association and other providers of public defender services in Utah should keep track of the race, ethnicity and primary language of each defendant served. These data should be kept electronically, if possible.	SLLDA	This information is being collected.	Appendices
7. Track electronically racial and ethnic data on pre-trial release decisions, including Consent Decree Release (CDR), release to Pre-Trial Services (PTS), and release on own recognizance (OR).	Courts	The implementation of the racial profiling law will start this process by providing a database with race and ethnicity.  Juvenile Court has since improved its collection rate from 72% to 91%.	Appendices
8. The Administrative Office of the Courts should keep statistics regarding the race and ethnic background of judicial applicants (for appellate, juvenile, and district court positions) throughout the application process. The process for collecting these data should allow applicants to self-identify their race/ethnicity. The data should be used for statistical purposes only. Therefore, data should be collected with the application but separated prior to the review process.	Courts	Judicial application revision includes this information.	Appendices

9. The Administrative Office of the Courts' court employee application form should include some type of form that requests Equal Employment Opportunity data as an optional part of the application. The collection of this data should be used for statistical purposes only. Therefore, the form should not be attached to the application so as to ensure that the information will not be forwarded to the interview process. The data should be self-reported. A self-addressed postcard or foldable mailer are two possibilities.	Courts	Court employee application revision includes this information.	Appendices
10. Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.	All Commission Agencies	CCJJ, Courts,BOP, DOC, DYC SLLDA are currently implementing the reviews.  Bar, Chiefs, POST, Sheriffs, SWAP have delayed implementation.	Appendices
11. Justice courts across the state should maintain data on sentencing decisions by race and ethnicity. Data should be kept in a consistent manner for the purposes of evaluation.	No Commission Agency identified	Justice Courts are not under the jurisdiction of the State Courts. This has not been implemented primarily due to technological limitations of many Justice Courts.	Appendices
12. The racial and ethnic composition of the qualified jury list and of jury service should be tracked regularly to determine levels of participation by minorities and the representativeness of Utah's jury pool database.	Courts	Race data will be imported from the driver license division records. Additional steps are being pursued.	Appendices
13. The Judicial Conduct Commission should track and publish the total number of complaints and the aggregate outcome of those complaints by outcome category.	No Commission Agency identified	This information is publicly available in the Judicial Conduct Commission annual reports. Categories include: Dismissed, Still Under Investigation, Private Reprimand, Public Reprimand, Public Censure, Suspension, Removal, and Involuntary Removal.	Judicial Conduct Commission

14. The Judicial Council should require justice courts to provide statistical information to the Administrative Office of the Courts (AOC) on workforce issues that the AOC tracks for other levels of the court, including racial/ethnic data on judicial applicant pools.	No Commission Agency identified	Justice Courts are not under the jurisdiction of the State Courts. Justice Courts are appointed by their local governments.	Appendices
15. The Judicial Performance Evaluation Committee should add the following item to the judicial performance evaluation form to inquire specifically about racial and ethnic bias. Respondents should be asked to rate the justice or judge on the following issue: Engages in any language or behaviors that result in racial, ethnic, or gender bias or the appearance of racial, ethnic, or gender bias?	Courts	This inquiry was removed from the evaluation form in an effort to reduce length. Analysis showed that the answers were captured through other questions.	Appendices
16. The Department of Corrections should keep racial and ethnic statistics regarding the demographics of the prison, probation and parole populations, including: offense by type(s); recommendations of pre-sentence reports; sentencing guidelines compared to sentences by courts to probation, prison; length of stay compared with sentencing guidelines; probation or parole violation rates, termination of probation or parole rates; and those with illegal alien status, so that the impact of efforts toward increasing racial and ethnic fairness can be properly monitored.	DOC	The O-Track database collects this information.	Appendices
17. The Division of Youth Corrections should collect socio-economic data in its database in order to facilitate a future examination of the relationship of social class to custody issues.	DYC, CCJJ	Information will be collected with the CARE system. CCJJ has indicated interest in this research.	Appendices

## Research

<b><i>Task Force Recommendation</i></b>	<b><i>Responsible Agencies</i></b>	<b><i>Status</i></b>	<b><i>Reference</i></b>
1. The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.	All Commission Agencies	CCJJ (conducting a cost benefit analysis), DOC, DYC have begun this implementation.  BOPP, Chiefs, Courts, POST, SLLDA, Sheriffs, SWAP have delayed implementation.	Appendices
2. The Commission on Criminal and Juvenile Justice should sponsor research into the alleged practice of stacking of charges to determine whether minorities receive more charges than non-minorities.	CCJJ	Study completed and delivered to the Juvenile Disproportionate Minority Confinement Committee and Commission Research Subcommittee.	Research Sub-Committee, DMC
3. The Commission on Criminal and Juvenile Justice should study law enforcement data regarding racial profiling, once sufficient data has been collected by local law enforcement agencies (ie. Salt Lake Police Department, St. George Police Department), and should publish their findings.	CCJJ	With passage of Racial Profiling law, initial analysis of racial profiling is currently underway. It will take five years for the data to be completely collected.	Appendices
4. Law enforcement, in conjunction with other agencies, should support research to define and identify the nature and extent, if any, of racial profiling.	CCJJ	With passage of Racial Profiling law, will take five years to collect data.	Appendices
5. The Driver License Division of the Department of Public Safety should request that each applicant for a driver license or state identification card state his or her race and ethnicity in accordance with the categories established by the U.S. Census.	DPS, CCJJ	With passage of Racial Profiling law, will take five years to collect data.	Appendices
6. The Utah State Bar should review disciplinary practices for racial and ethnic bias.	Bar	No evidence of bias found.	Research Sub-Committee
7. The Utah State Bar should have the admissions process and procedures reviewed for racial and ethnic bias, and review the bar exam for disparate impact.	Bar	The admission process is still under review .	Research Sub-Committee



8. The Utah State Bar should examine the reasons behind the large percentage of minority lawyers who have “inactive status” with the Bar. Where appropriate, the Bar should develop internship and placement programs for minorities.	Bar	Research was unable to determine reasons for inactive status. Currently working to agree on best response/strategy to this issue.	Research Sub-Committee
9. The State of Utah should conduct an assessment of how indigent defense services are conducted. The Task Force recommends the establishment of an Indigent Defense Review Council (IDRC) to be active for three years. Membership in the IDRC would be designated by the Legislature and would include one committee member from each judicial district in Utah, minority representation reflective of Utah’s overall population, as well as equal balance between prosecution and defense counsel, and others. IDRC would be charged with studying current delivery efforts in each county with specific attention to standards of fairness as applied to the representation of racial and ethnic minorities.	No Commission Agency Identified	This has not been implemented. The research subcommittee will be addressing this research topic of indigent defense services.	Appendices
10. A statewide Appellate Public Defender’s Office should be created, consistent with the recommendations of the Task Force of Appellate Representation of Indigent Defendants (September 14, 1994).	No Commission Agency Identified	This has not been implemented.	Appendices
11. The Statewide Association of Prosecutors (SWAP) and the Prosecution Council should sponsor a process that represents multiple perspectives to conduct research on whether racial and ethnic bias is reflected in prosecutorial decision making.	SWAP	The Salt Lake Prosecutors office, in conjunction with the research subcommittee, CCJJ and CJC is currently creating the methodology to examine this topic.	Appendices
12. More research and information about effective ways to punish hate crimes are needed including “models of intervention” such as mediation, education and training, more intensive probationary provisions, and offender treatment programs.	CCJJ, Sentencing Commission	Research on hate crime laws available; recommendation needs further clarification	Appendices, Sentencing Commission

13. The Judicial Council should determine methods for increasing the racial and ethnic representativeness of juries.	Courts	Jury Pool Improvement Project is examining options to expand the master jury list to increase representation.	Appendices
14. The Administrative Office of the Courts should sponsor significant research on the source lists for the jury master list, the jury qualification process, and the use of peremptory challenges for racial and ethnic bias. Research should also study whether and to what extent jurors feel they have been the object of racial or ethnic bias in their capacity as jurors.	Courts	Jury Pool Improvement Project examined this recommendation and determined it, unworkable.	Appendices
15. The Administrative Office of the Courts should sponsor research to determine whether the absence of minorities on juries results in an inability to receive a fair trial. The study should compare conviction rates of minority defendants by juries with minority representation.	Courts	Jury Pool Improvement Project examined this recommendation and determined it, unworkable.	Appendices
16. The Utah Sentencing Commission should conduct an experiment involving the question of aggravating and mitigating circumstances both in the adult and juvenile justice systems. For example, conduct a “blind” review of recommendations where social information that would identify or suggest the client’s ethnicity is deleted in a matched set of minority and non-minority clients. The research should also examine the extent to which chronicity scores contribute to minority overrepresentation. This study would provide an opportunity to see if and how subtle bias creeps into case processing, particularly in the areas of preparing sentencing and placement recommendations.	Sentencing Commission	<p>The Sentencing Commission presented its study “Race and Juvenile Sentencing in Utah” to the Commission on REF.</p> <p>The study found that minority offenders “were more likely to receive aggravating factors and less likely to receive mitigating factors.”</p> <p>A study on the adult system is more difficult and the Sentencing Commission is waiting to see how the current study is received in Juvenile Court before embarking on the adult system project.</p>	Sentencing Commission, CCJJ

17. The Juvenile Courts, the Department of Child and Family Services, and the Division of Youth Corrections should jointly examine the relationship between custody and socio-economic status. Specifically, the research should attempt to establish if a relationship exists between income level and custody decisions.	Courts, DCFS, NYC	The data on family income will not be collected. The Juvenile Court found from responses that families considered this question intrusive. National research may be available.	Social Research Institute
18. The Juvenile Courts and the Division of Youth Corrections should conduct qualitative reviews involving youth who successfully exit the system.	Courts, NYC	Qualitative data is currently available. The new CARE system will collect more objective reviews.	Appendices
19. The Utah Sentencing Commission should evaluate the application of aggravating and mitigating factors in sentencing, as opposed to the use of “strength-based” and “risk-focused” models, to determine if racial and ethnic bias occurs in that application.	Sentencing Commission	Results from the “Race and Juvenile Sentencing in Utah” study provided valuable information. This information will assist the Sentencing Commission in crafting appropriate factors.	Appendices
20. The Department of Human Services should conduct research in order to review child welfare practices to determine if child welfare practices increase the likelihood of the youth correctional system to gain eventual custody of youth of color.	DHS	DHS is working to collect and report more data on client race/ethnicity and service provided; service concerns/inconsistencies; more accurate socio-economic information.	Appendices

# **APPENDICES**

## **Agency Responses to Specific Task Force Recommendations**

The Commission invited the participating criminal justice agencies to submit a response to the Task Force recommendations for their individual agencies. Initial responses were given to the Commission director, Commission subcommittees and an Advisory Council subcommittee for feedback. A final response was then submitted by agencies. Other than minor format adjustments, we have respected the agencies' prerogatives and response decisions and have made no editorial changes. Thus, the following appendices represent the views and comments of each individual agency, and not necessarily that of the Commission.

**Salt Lake Legal Defender Association  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**WORKFORCE: RECRUITING/HIRING**

**2. *Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans***

Implementation Status: **Completed and enacted into policy**

The Salt Lake Legal Defenders Association is an equal opportunity employer. The Executive Director, personally, interviews and hires the staff members and has been a member of the Task Force and Commission for several years. Additionally, the Executive Director has represented this office on many committees within the state dealing with defense issues.

**4. *The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Implementation Status: **Ongoing**

The office has placed ads for professional staff members in minority publications, has attended or had his staff attend job fairs at both Utah law schools and has participated in high school job fairs. The office has been sensitive to the need for minority hiring due to the large numbers of clients of color and varied ethnic background that is serviced by this organization. In the area of non-professional employment hiring, this office has always been at the forefront. This office has bilingual interpreters to assist in the representation of our clients. We have instituted video conferencing within the Utah Department of Corrections to enhance our contact with clients that are in custody.

At present, the Salt Lake Legal Defender Association is comprised of 89 members: Of those, 48 are female and 22 are minorities or consider themselves to be minorities. The office ratio is a higher ratio than represented in the state population for certain minorities. The office continues to attempt to reach out to the minority community and recruit members from those communities for employment opportunities.

**TRAINING**

**3a. *The Utah Supreme Court's Board of Mandatory Continuing Legal Education should require attorneys practicing in the criminal and juvenile justice systems to complete cultural competency training on a regular basis.***

Implementation Status: **Ongoing**

The Executive Director has made one of his priorities the training of his staff in the area of racial and ethnic sensitivity. Beginning in 2000, the entire staff was given a four hour presentation on ethnic and racial issues by a professor from the University of Utah. Each year, at least one session of the year-long training schedule is dedicated to an issue involving ethnic minorities. These seminars have addressed: Immigration issues, federal versus state prosecutions, language barriers and how to overcome them, racial differences in language and interpretation. In the years 2001 through 2003, the office has continued to provide mandatory seminars on the issues of minority concerns.

4. *The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.*

Implementation Status: **Ongoing**

This office has trained its lawyers to advise each client with immigration issues concerning the possibility that a plea today may cause serious ramifications in the future, including those of future lawful immigration. One of the seminars scheduled for the seminar year of 2003/2004 is an update on immigration issues. Last month an article was sent to each attorney that updated federal issues on immigration.

#### **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
  - *law enforcement complaint process,*
  - *judicial complaint process,*
  - *other employee complaint process,*
  - *annual report on minority bar, and*
  - *web site information on minority bar and judges, to include tribal courts.*

Implementation Status: **Ongoing**

Individual attorneys within the office have participated in “Law Day,” each May. When requested to attend other functions, this office has always been available and will continue to be available in the future. The Assistant Director and the Director continue to attend community issue forums in order to update and inform the public on this agency’s duties and responsibilities to the community.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community’s needs.*

Implementation Status: **Ongoing**

The Salt Lake Legal Defender Association remains open to the partnerships expressed above. In the future, the office will be investigating any involvement in civic groups that would assist us in representing our clients more completely and competently.

The Assistant Director, at the direction of F. John Hill, has participated in forums at the University of Utah Law School, the University of Utah Medical School, and the Utah Bar Foundation. These presentation are designed to bring this agency's duties to light and foster input from the community.

## **ADMINISTRATION**

9. *Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.*

### **Implementation Status: (Commission Recommendation)**

The Salt Lake Legal Defender Association stands ready to assist, when called upon, in this endeavor. The Assistant Director has been put in charge of handling all complaint calls from clients and their families concerning their case results and presentations.

6. *Public defender contracts should be awarded to attorneys who have experience and competency in criminal law.*

### **Implementation Status: Ongoing**

The Executive Director and Board have made the Salt Lake Legal Defender Association the premier legal defense office in the State of Utah. This office handles more volume and more difficult cases more often than any other privately operated, publicly funded agency in the state. The attorneys, as a group, have more experience than any other criminal defense office in the state.

7. *Law enforcement, prosecutors, and judges should not be decision makers in the award of public defender contracts. Input from others should be sought by those who decide the awards.*

### **Implementation Status: Completed and enacted into policy**

Law enforcement, prosecutors, and judges do not have a decision making role to play in awarding the public defender contract for Salt Lake County. It would be naive to say that those agencies are not integral in the positioning of this office as the contract placement for legal defense. This office has had in the past and continues to have the support of those agencies for its work.

8. *The budget for appointed attorneys should be separate from the budget for county prosecutors. Since funding a public defender office with funds from the prosecutor*

***budget can create the appearance of a conflict of interest, local governments should ensure that the budgets are separate.***

Implementation Status: **Completed and enacted into policy**

The budget for this office is separate from the prosecutor's office budget.

- 9. *Public defender and prosecutor caseloads should be lightened so as to allow more attention to individual cases.***

Implementation Status: **Ongoing**

There has been an unexpected rise in the rate of felony referrals during the last quarter of 2002 resulting in a 537 case increase over 2001 levels, for a year ending total of 5,668 felony cases. This trend has continued through October of the current year producing an increase of 1,243 cases when compared with the same time period of the proceeding year. Assuming , optimistically, we do not receive any increases in the rate of referrals for the remainder of 2003 and all of 2004, this office still has the responsibility to request necessary staff additions and resources in our 2004 budget to address this remarkable increase in case referrals and provide representation for the projected 7,146 cases during the fiscal year 2004.

- 10. *Comparable pay for comparable experience should be given to public defenders and prosecutors so that lateral transfers within the system are possible.***

Implementation Status: **Ongoing**

Comparable pay is still only a goal. Prosecutors, as a whole, are slightly elevated in pay schedule in relation to this office. Unfortunately, no new increases in pay are planned for the future at this time.

- 11. *Public defenders and all criminal defense attorneys should provide their clients with referrals to other agencies that can assist in resolving problems that are not legal in nature and thus outside the expertise of the attorneys.***

Implementation Status: **Ongoing**

This office will, when appropriate, refer cases or issues to other agencies that may be able to assist. It would not be fair to say that those "other," agencies are numerous or capable of assisting in many cases.

## **DATA**

- 6. *The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.***

Implementation Status: **Process in place**

The office is committed to compiling this data. We are now asking each new client to "self



report,” their race and/or ethnicity in the first interview we have with them. That information is then placed in the files and will be placed in our network computer file. The rate of self reporting is approximately 65% at this time.

6. *Salt Lake Legal Defender’s Association and other providers of public defender services in Utah should keep track of the race, ethnicity and primary language of each defendant served. These data should be kept electronically, if possible.*

Implementation Status: **Process in place**

Each case referred to this office by the courts of Salt Lake County will have as one of its several questions, the issue of race and ethnicity. This information will then be kept with the other information on each case.

10. *Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee’s work environment.*

Implementation Status: **Process in place**

Where exit interviews are held, a question of racial and ethnic fairness in the workplace will be noted.

## **RESEARCH**

10. *The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.*

Implementation Status: **Under Consideration**

This suggestion is now being considered by this office.

9. *The State of Utah should conduct an assessment of how indigent defense services are conducted. The Task Force recommends the establishment of an Indigent Defense Review Council (IDRC) to be active for three years. Membership in the IDRC would be designated by the Legislature and would include one committee member from each judicial district in Utah, minority representation reflective of Utah’s overall population, as well as equal balance between prosecution and defense counsel, and others. IDRC would be charged with studying current delivery efforts in each county with specific attention to standards of fairness as applied to the representation of racial and ethnic minorities. IDRC would be state-funded, and its services divided as follows:*

*Phase One: Review existing policies and procedures, as well as historically relevant*

*issues, related to statewide indigent defense.*

**Phase Two:** *Create a report of findings and recommendations for changes and improvements to existing policies and procedures based on the Phase One review. Include in the report the creation of broad statewide standards to apply to each individual county. At the end of Phase Two, the IDRC will report back to the Utah State Legislature regarding their findings and recommendations.*

**Phase Three:** *Implement and supervise the implementation of the changes and improvements recommended in Phase Two. Report progress and final findings and recommendations to the Utah State Legislature.*

**IDRC's mission will be five-fold:**

1. *To study the current delivery of indigent defense services throughout the state.*
2. *To establish standards for provision of indigent defense services statewide.*
3. *To apply those standards effectively and pragmatically to each individual county.*
9. *To monitor compliance with recommended standards.*
10. *To report to the Legislature with findings and recommendations.*

**IDRC specifically should do the following:**

1. *Conduct more detailed research into the specific situations of individual counties regarding caseloads and office resources.*
2. *Conduct more detailed research into the relationship between socio-economic status and race upon treatment by the criminal and juvenile justice system.*
3. *Seriously consider the impact of public defender resources upon racial and ethnic minority populations, particularly when the percentage of the county's minority population exceeds that of the state as a whole.*

**Implementation Status: Study has been initiated. Funding needed from the Legislature**

This office supports the intentions engendered by the proposal for the IDRC. The Salt Lake Legal Defender Association stands ready to participate in such a review and implementation when funding can be allocated by the State Legislature.

The research subcommittee, in conjunction with CCJJ, has begun research on the quality of indigent defense statewide, as suggested in this recommendation. This is the initial step to addressing this recommendation.

10. *A statewide Appellate Public Defender's Office should be created, consistent with the recommendations of the Task Force of Appellate Representation of Indigent Defendants (September 14, 1994).*

**Implementation Status: Funding needed**

To the extent that this office can assist in this goal, we are doing so. The Salt Lake Legal Defender Association is funded by Salt Lake County, and as such, is limited in its scope of authority to that county. Although this office supports the intention of this proposal, it has no funding to activate such a state wide office.

- 12. *More research and information about effective ways to punish hate crimes are needed including “models of intervention” such as mediation, education and training, more intensive probationary provisions, and offender treatment programs.***

Implementation Status: **Ongoing**

To the extent that this goal does not conflict with other ethical duties this office has, we are attempting to assist in its achievement. The Attorney/Client privilege limits our assistance in this area and will continue to do so.

## **Statewide Association of Public Attorneys Response to Recommendations of Task Force on Racial and Ethnic Fairness**

The Statewide Association of Public Attorneys (SWAP) is a non-profit corporation which exists for the purpose of furthering the interest of state, county and local prosecutors and other public attorneys. The Association does not have any direct supervisory authority over any prosecutors. Generally, we are engaged in representing the prosecutors' interest before the legislature, rule-making bodies and policy-making committees throughout the state.

The following project reflects the actions of the Salt Lake City Prosecutor's Office, as a member of the SWAP.

One of the fundamental findings of the Task Force on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System was that there is perception by some in the community that minorities are systematically discriminated against in terms of the outcomes achieved as they proceed through the criminal justice system. This perception is viewed as impacting both aspects of plea resolutions not offered and the prosecution in general of the minority communities. To address this issue the Task Force recommended in its research section that: "The Statewide Association of Prosecutors (SWAP) and the Prosecution Council should sponsor a process that represents multiple perspectives to conduct research on whether racial and ethnic bias is reflected in prosecutorial decision making." It is equally clear that no amount of analysis will yield a formula by which to determine the motivation of one who may be acting out of a bigoted or racist agenda. Thus, the key to any institutional integrity must be derived from the checks and balances within any system and the outcomes, if any, that can be reviewed. The integrity of any institutional framework is achieved by its procedural transparency. Individual transgressions are neither predictable nor analyzable, however, they must be addressed if they can be identified and must not be tolerated.

The dialogue of openness has not always been sustained by the active participation of the many institutions involved in the criminal justice system. The Task Force originally, and the Commission now, has been effective in creating a dialogue but it has not quite yet delivered the institutional self-examination and disclosure of the kind that most had hoped for as the result of the Task Forces findings. In one respect, this is not a valid criticism because the Commission is, in reality, a facilitator of issues not an agency authorized and funded, with a mandate to investigate and hold accountable for sanctions public institutions. The institutional reluctance of some may be the result of both a fear of how they are approached and that there is no obligation to respond to the Commission other than in an apathetic tolerance. It is important to recognize that absent any specific complaint the approach to these institutions cannot be driven by an accusatory agenda. The goal of the Commission is to facilitate open dialogue and thus it must engage institutions with openness and, where met with willingness, support their institutional efforts. Finally, where possible, it is incumbent upon public institutions to take the initiative and open their doors for analysis not solely for the sake of the critics but for the sake of the

communities that they serve so long as these communities continue to mistrust or perceive that there is institutional bias. In this effort, the Salt Lake City Prosecutor's office in conjunction with the Commission and the CJJC has begun an institutional analysis to address the perception of bias and prejudice in the prosecutorial process.

### **The Project**

The Salt Lake City Prosecutor's office began an internal audit to examine any bias and prejudice within its prosecutorial mission in serving the citizens of Salt Lake City. This project was started at the end of 2003 and will be completed in 2004.

### **City Prosecutor's Office Workforce Composition**

The Salt Lake City Prosecutor's Office is the largest municipal prosecution entity in the State of Utah. It has total of thirteen attorneys and nine full-time support staff. The workforce composition of all attorneys is as follows: Approximately 46% of the attorneys are female and 53% are male. Approximately 23% of the attorneys are minority attorneys. The office has a total of 5 attorneys on its management team, including the City Prosecutor, and three of five are minority attorneys. At the management team level minorities represent 60% of the team. Furthermore, 60% are male and 40% are female attorneys respectively. The City Prosecutor, as the head of the office, is a member of the minority bar.

### **The Prosecutor Office**

The calendar year 2003 produced over some 21,000 criminal complaints. The creation of the Salt Lake City Justice Court increased the number of law enforcement agencies that feed into this court from one to six major law enforcement agencies with various others overlapping when violations occur within the territorial boundaries of Salt Lake City. The office serves and prosecutes for these various agencies at both 3<sup>rd</sup> District Court as well as the Salt Lake City Justice Court. The office handles cases ranging from infractions to Class A misdemeanors. The City Prosecutor's office therefore plays a significant role in the community's perception of law enforcement along with others. The City Prosecutor's office, as a public institution, thus has an obligation to demonstrate that there is a basis for confidence in the fairness of its prosecutions. The decision to serve as an institutional example is motivated by the following working rules that it adopted:

The office, as a public Institution, has an obligation to self examine any alleged bias or prejudice in its functions both for itself (internally) and for the role it plays (externally with other agencies) in the larger context of the criminal justice system.

The discovery of any questionable practices would serve as an Institutional Win to fulfill its obligations as a public institution and in proactively seeking to remedy and perceived or actual bias.

The non existence of any questionable practices serves as an Institutional Win as a demonstration that there are no patterns of any bias or prejudice.

The only loss in this equation would result from the failure to do anything as a public institution. Perceptions must be addressed even if not true, and if true, the necessity is self evident.

### **Preliminary Study Findings**

The Criminal and Juvenile Justice Consortium at the request of Simarjit Gill, Salt Lake City Prosecutor, began an analysis of cases processed through the city prosecutor's office in 2003. Data was exported from the SLC Prosecutor's Office Prosecutor Dialogue database and aggregated and analyzed in SPSS 12.0 Furthermore, the relative rate index (RRI) disproportionate minority contact model used by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to track movement of minority youth through the juvenile justice system was modified to examine the city prosecutor's data. Preliminary results indicate *no clear patterns of bias or prejudice* in the SLC Prosecutor's office, but do highlight areas requiring further examination to fully understand the relationships between race, ethnicity, and the processes of the justice system.

The Salt Lake City Prosecutor's office will continue to examine the data and will present a final report to the Commission before the end of 2004 calendar year.

## **Response to Recommendations of Task Force on Racial and Ethnic Fairness**

### **WORKFORCE: RECRUITING/HIRING**

- 1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.***

Implementation Status: **Completed and enacted into policy**

The Utah State Board of Pardons and Parole (the Board) is a state agency which follows the anti-discrimination policies set forth in Department of Human Resource Management (DHRM) Administrative Rule 477-2 (see Attachment 1), which provides for fair and equal employment opportunity within all state agencies. The Board has and will continue to handle Equal Employment Opportunity issues and concerns in accordance with that rule and other applicable federal and state regulations and policies.

- 4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Implementation Status: **Ongoing**

The Board supports the enhancement of minority recruitment efforts and the attraction of qualified minority applicants within the legal and criminal justice fields since many Board applicants come from those fields. The Board continues to encourage the recruitment of minorities at job fairs, higher education seminars, community meetings, by one on one contact, and through its intern program.

- 10. The workforce of Adult Probation and Parole and the Utah Department of Corrections should establish policies and practices to increase their ability to recruit minority applicants. Hiring practices should be evaluated for their effect on minority applicants. Corrections should seek minority employees actively as new hires or on a contract basis, such as for pre-sentence investigations.***

Implementation Status: **Ongoing**

The Board consists of five sitting members. The Board believes it has an excellent track record in hiring and recruiting minorities. Mr. Keith Hamilton, an African American member of the Board, has resigned and has been replaced with Mr. Jesse Gallegos, a Hispanic male. There have been no other appointments to the Board or staff since last year's report.

### **TRAINING**

6. *Individual judges, at all levels of the courts, and members of the Board of Pardons and Parole should conduct a heightened examination of the sentences they impose to determine whether or not they have, perhaps unintentionally, allowed racism to cloud their judgements.*

Implementation Status: **Ongoing**

The results of research conducted by the Social Research Institute for the Task Force found that for the offenses with a large enough number of cases for analysis, “there does not appear to be significant differences between minorities and Whites on the length of stay in prison.” Overall the conclusion was reached that “the length of stay in prison for specific offenses appears to be similar for minorities and Whites.” The quotes are taken from the Social Research Institute’s December 1999 Summary of the Adult System Research, published on pages 146-152 of the September 2000 Task Force Report.

As a practical matter, it is the norm for most of the Board members voting on a case to be unaware of the offender’s race or ethnic background. And while an inmate’s picture or race may be located somewhere in the file, rarely does a Board member search out that information in reaching his or her decision. Likewise, the Board member or Hearing Officer conducting the hearing normally does not identify the race or ethnicity of the offender or victim(s) in his or her summary to the Board unless that information is pertinent concerning the merits of the case. In cases where the entire Board knows the race or ethnicity of the offender or victim(s), the possibility of racial or ethnic bias influencing the case is often discussed in Board deliberations as the Board moves toward reaching a decision.

8. *Training on the nature and impact of racial and ethnic bias within the system should be mandatory for Department of Corrections and Board of Pardons and Parole employees, including pre-sentence investigators (staff and contract). Mandatory training should include communication skills and the minority defendant. The training should assist employees in understanding different cultures.*

Implementation Status: **Ongoing**

A Board Member, and its Administrative Coordinator and Senior Hearing Officer, attended the Utah Multi-Agency Cultural Competency Curriculum (UMACCC) Training held by the Multi-Cultural Legal Center on June 3, 2002. Arrangements have been made with an certified Cultural Competency instructor at POST to present the UMACCC training to the remaining Board members and entire staff in training sessions to be held before the end of the current fiscal year; thus, every agency employee will have completed the cultural competency training by July 1, 2003. Multicultural competency training is important to the Board and efforts are being made to seek additional training for Board members and staff.

**INTERPRETING**

*None directed to the Board of Pardons and Parole.*



While no recommendations were directed to the Board, the Board provides the following concerning interpretation services for inmates, parolees and victims who testify at Board hearings:

Inmates, parolees and victims (or a victim representative) testifying before the Board are entitled to interpreters. DOC normally makes arrangements for interpreters for inmates and parolees through prison staff assisting with the Board's preparation for the Board hearing. Prior to the hearing, the prison notifies the Board whether an inmate or parolee needs an interpreter. If adequate interpretation cannot be provided through DOC, the Board then hires an interpreter for the inmate or parolee.

Interpretation services for victims are arranged through the Board's Victim Coordinator, and in most cases where the same services are needed for the inmate and victim(s), the same interpreter is used at the hearing. The Board-produced Victim's Handbook has been revised to give the victim notice of his or her right to an interpreter. Information on interpretation services for inmates, parolees and victims has also been placed on the Board's web site <http://bop.utah.gov>.

### **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
  - 1 *law enforcement complaint process,*
  - 2 *judicial complaint process,*
  - 3 *other employee complaint processes,*
  - 4 *annual report on minority bar, and*
  - 5 *web site information on minority bar and judges, to include tribal courts.*

#### **Implementation Status: Ongoing**

The Board feels that law enforcement, the Judicial Conduct Commission, and the Utah State Bar should provide their information and conduct outreach on their own programs because they are the experts on the services they offer. Jurisdiction is also an issue.

**Board complaint process:** Complaints against the Board may be directed or forwarded to the Governor's Office, which then forwards the complaint to the Board for a response. The Board's Administrative Coordinator handles any complaints received by the Board, against the Board as an agency, or concerning an individual employee, after consultation with the employee's supervisor and/or the Chairman of the Board, for appropriate action and response.

**Web site information on Board:** The Board's web site will be reviewed periodically to ensure that information concerning the Board is timely and accurate. Currently, the Board web site contains information on the Board's Mission, Vision and Values; Full-time Board members; History of the Board; Board Organization; Types of Board Hearings and Reviews; Board Administrative Rules; Board's Victim Handbook; and How to Contact the Board. A major

update of the web site should be completed before December 31, 2002.

8. ***Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.***

**Implementation Status: Ongoing**

Board members and staff serve(d) and play(ed) key roles on several important boards, committees, task forces and groups, including this Commission, the Task Force on Racial and Ethnic Fairness in the Legal System, the Utah Sentencing Commission, the Commission on Criminal and Juvenile Justice and the Interstate Compacts Commission, as well as on task forces dealing with sentencing guidelines, mental health issues, criminal statutes, and law enforcement and correctional issues. Moreover, several agency personnel maintain membership in the Utah State Bar. Board members and staff frequently address civic, educational and religious groups. Over the years the Board has enjoyed a positive relationship with the Utah Department of Community and Economic Development and its Ethnic Affairs Offices, presenting to community groups and at community forums whenever invited.

The agency also sends representatives to conferences and seminars sponsored by entities such as the Association of Paroling Authorities International (APAI), American Probation and Parole Association (APPA), Utah Sheriffs Association, Utah Correctional Association, Utah State Bar and the Utah Minority Bar Association.

The Board recommends that the names and phone numbers of Ron McCloud, hearing officer and African American, and Duane Kaneko, hearing officer and Asian American, be included on the Board's web site so minorities can contact them with inquiries regarding employment and Board processes. The Board continues to involve itself in partnerships wherever possible to further community needs.

## **ADMINISTRATION**

- (1) ***Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

**Implementation Status: (Commission Recommendation)**

In reaching a decision, Board members consider the impact of offenses against individual victims as well as against targeted groups. The Board continues to actively participate in the political process regarding hate crimes.

13. ***In order to develop race-neutral release policies, Utah's criminal justice system should adopt objective criteria for pre-trial release.***

Implementation Status: **Completed in part**

While the Board is not involved in the pre-trial release of offenders, the Board does consider objective criteria in its post-adjudication release decisions. The Guideline matrices (see Attachments 4a and 4b for sex offenses and non-sex offenses) use objective criteria to assess a criminal history category that equate to the recommended Guideline time frame for imprisonment based upon the classification of the offense(s). While not bound by the Guideline time frame, the Board uses it as a helpful tool in reaching a release decision. Moreover, the Board uses other objective criteria not reflected on the Guideline matrices, such as offender's programming effort, prison disciplinary history, and employment history, to name a few, in making its decisions. Many of the considerations used by the Board in reaching a decision can be found on its Decision Rationale Form (see attached).

17. *Court ordered psychological evaluations (i.e., those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client's cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.*

Implementation Status: **Ongoing**

The Board contracts with three independent psychologists for Sexual Psychological Evaluations commonly referred to as "Alienist Reports." Of the three providers, one is a minority female with bi-lingual and cultural competency skills. When needed for either psychosexual evaluations or Alienist Reports, skilled interpreters with language proficiency and cultural understanding specific to the offender are hired by the Board to facilitate the completion of an accurate evaluation. Need is not determined by any formal standard or criteria, rather anyone involved with the processing of the inmate will express the need for an interpreter, and that service is provided. If a case arose where an interpreter was not used to assist in the evaluation and the offender claimed this barrier impeded the process, another evaluation would be ordered.

## **DATA**

1. *The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.*

Implementation Status: **Process in place**

The Board recommends that the Presentence Investigator note the race and ethnicity of crime victims and include this information in the report. As in all cases, the individual concerned will have the choice whether or not this information is included in the report. It is also recommend

that the Victim Coordinator track the race and ethnicity of crime victims and provide an annual report of his findings to the Board.

- 10. Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.***

Implementation Status: **Process in place**

Confidential exit interviews for Board employees regarding the employee's overall experience, including the employee's perception of fairness in the work environment, have been and will continue to be conducted by the Chairman of the Board. The Chairman reports that exiting employees are not reporting inequities in the work place.

## **RESEARCH**

- 1. The criminal and juvenile justice system should implement management information systems that produce information that captures "what works" predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.***

Implementation Status: **(Department of Corrections Recommendation)**

The Board agrees that such a capture should be made. However, given that DOC maintains the information technology system to do so, and receives the appropriate funding to carry out this recommendation, the Board believes DOC to be the appropriate agency to address and implement this concern.

Board of Pardons and Parole  
Attachments

**R477-2-1. Rules Applicability.**

These rules apply to all career and non-career state employees except those specifically exempted in Section 67-19-12.

- (1) Certificated employees of the State Board of Education are covered by these rules except for rules governing classification and compensation, found in R477-3 and R477-6.
- (2) Non-state agencies with employees protected by the career service provisions of these rules in R477-4, R477-5, R477-9 and R477-11 are exempted by contract from any provisions deemed inappropriate in their jurisdictions by the Executive Director, DHRM.
- (3) Unless employees in exempt positions have written contracts of employment for a definite period of time, they are "at will" employees. The following employees are exempt from mandatory compliance with these rules:
  - (a) Members of the Legislature and legislative employees
  - (b) Members of the judiciary and judicial employees
  - (c) Elected members of the executive branch and their direct staff who are career service-exempt employees
  - (d) Officers, faculty, and other employees of state institutions of higher education
  - (e) Any positions for which the salary is set by law
  - (f) Attorneys in the attorney general's office
  - (g) Agency heads and other persons appointed by the governor when authorized by statute
  - (h) Employees of the Department of Community and Economic Development whose positions have been designated executive/professional by the executive director of the Department of Community and Economic Development with the concurrence of the Executive Director, DHRM.
- (4) All other exempt positions are covered by provisions of these rules except rules governing career service status in R477-4, R477-5, R477-9 and R477-11.
- (5) The above positions may or may not be exempt from federal and other state regulations.

**R477-2-2. Compliance Responsibility.**

Agencies shall manage their own human resources in compliance with these rules. Agencies are authorized to correct any administrative errors.

- (1) The Executive Director, DHRM, may authorize exceptions to provisions of these rules when one or more of the following criteria are satisfied:
  - (a) Applying the rule prevents the achievement of legitimate government objectives;
  - (b) Applying the rule impinges on the legal rights of an employee;
- (2) Agency personnel records, practices, policies and procedures, employment and actions, shall comply with these rules and are subject to compliance audits by the DHRM.
- (3) In cases of noncompliance with the State Personnel Management Act, Title 67, Chapter 19, and these rules, the Executive Director, DHRM, may find the responsible agency official to be subject to the penalties prescribed by Section 67-19-18(1) pertaining to misfeasance, malfeasance or nonfeasance in office.

**R477-2-3. Fair Employment Practice.**

All state personnel actions must provide equal employment opportunity for all individuals.

- (1) Employment actions including appointment, tenure or term, condition or privilege of employment shall be based on the ability to perform the essential duties, functions, and responsibilities assigned to a particular position.
- (2) Employment actions shall not be based on race, religion, national origin, color, sex, age, disability, protected activity under the anti-discrimination statutes, political affiliation, military status or affiliation or any other non-job related factor, nor shall any person be subjected to unlawful harassment by a state employee.
- (3) Any employee who alleges that they have been illegally discriminated against, may submit a claim to the agency head.
  - (a) If the employee does not agree with the decision of the agency head, the employee may file a complaint with the Utah Anti-Discrimination and Labor Division.
  - (b) No state official shall impede any employee from the timely filing of a discrimination complaint in accordance with state and federal requirements.
- (4) Employees are protected from employment discrimination under the following laws:
  - (a) The Age Discrimination in Employment Act of 1967, 29 USC 621, as implemented by 29 CFR 1625(1999). This act prohibits discrimination on the basis of age for individuals forty years and over.

(b) The Vocational Rehabilitation Act of 1973, 29 USC 701, as implemented by 34 CFR 361(1999). This act prohibits discrimination on the basis of disability status under any program or activity that receives federal financial assistance. Employers with federal contracts or subcontracts greater than \$10,000.00 must have an affirmative action plan to accommodate qualified individuals with disabilities for employment and advancement. All of an employer's operations and facilities must comply with Section 503 as long as any of the operations or facilities are included in federal contract work. Section 504 incorporates the employment provisions of Title I of the Americans With Disabilities Act of 1990.

(c) The Equal Pay Act of 1963, 29 USC 206(d), as implemented by 29 CFR 1620(1999). This act prohibits discrimination on the basis of sex.

(d) Title VII of the Civil Rights Act of 1964 as amended, 42 USC 2000e. This act prohibits discrimination on the basis of sex, race, color, national origin, religion, or disability.

(e) The Americans with Disabilities Act of 1990, 42 USC 12201. This act prohibits discrimination against qualified individuals with disabilities in recruitment, selection, benefits and all other aspects of employment.

(f) Uniformed Services Employment and Reemployment Act of 1994, 38 USC 4301 (USERRA). This act requires a state to reemploy eligible veterans who left state employment for military service and return to work within specified time periods defined by USERRA.

#### **R477-2-4. Grievance Procedure for Discrimination.**

The following rules outline the grievance procedure and the specific requirements of the major laws:

(1) Age Discrimination in Employment Act of 1967.

(a) An aggrieved individual may bypass the state's grievance procedure and file directly with the Equal Employment Opportunity Commission (EEOC) or the Utah Anti-Discrimination and Labor Division (UALD).

(b) Employees shall report the alleged discriminatory act within one of the following time periods:

(i) 180 days after the occurrence to EEOC, or

(ii) 300 days after the occurrence to EEOC if the matter has been presented to UALD for proceedings under an applicable state law, or

(iii) to the EEOC 30 days after the individual receives notice of termination of any state proceedings.

(c) The Utah Anti-Discrimination and Labor Division of the Labor Commission is authorized by the Equal Employment Opportunity Commission to act on charges of employment discrimination. Employees must file charges within thirty days following an act of discrimination.

(2) Section 503 of The Rehabilitation Act of 1973, as implemented by 34 CFR 361(1999).

(a) An aggrieved individual may bypass the state's grievance mechanism and file a complaint with the granting federal agency or the Office of Federal Contract Compliance Programs (OFCCP) within 180 days of the discriminatory event.

(b) If dissatisfied with the outcome of the state's grievance mechanism, an individual may also file a complaint with the OFCCP within 180 days of the discriminatory event.

(3) Section 504 of the Rehabilitation Act of 1973.

(a) An aggrieved individual may bypass the state's grievance mechanism and file a complaint with the granting federal agency. If unsatisfied with the outcome of the state's grievance mechanism, an individual may also file a complaint with EEOC. A charge of discrimination should be filed within 180 days of the discriminatory event.

(b) Under the 1978 amendments to the Rehabilitation Act, the procedures for enforcing Section 504 are the same as for Title VII of the Civil Rights Act of 1964.

(4) The Equal Pay Act of 1963 - The enforcement provisions of the Fair Labor Standards Act apply for an equal pay claim. The following rules apply:

(a) Sex discrimination in the payment of unequal wage rates is a continuous violation, and employees have a right to sue each payday that the discrimination persists.

(b) Employees are not required to exhaust any administrative procedures prior to filing an action.

(c) Employees alleging an equal pay claim may file directly with the Equal Employment Opportunity Commission.

(d) Employees do not have the right to file a court action when the Equal Employment Opportunity Commission initiates a court proceeding on the employee's behalf to either enjoin an employer or to obtain recovery of an employee's unpaid wages.

(e) Employees must file suit within two years from the last date of harm, unless the employer committed a willful violation of the law, in which case, they have three years.

(5) Title VII of the Civil Rights Act of 1964.

(a) An aggrieved individual may bypass the state's grievance mechanism and file directly with the EEOC.

(b) Time lines for filing a complaint are the same as for the Age Discrimination Act in R477-2- 4.(1).

(6) Americans with Disabilities Act (ADA) of 1990.

(a) An aggrieved individual may bypass the state's grievance procedure and file directly with the EEOC or with the Utah Anti-Discrimination and Labor Division.

(b) Time lines for filing a complaint are the same as for the Age Discrimination Act in R477-2- 4.(1).

(7) Uniformed Service Employment and Re-employment Act of 1994 (USERRA).

(a) State statutes of limitations shall not apply to any proceedings under USERRA.

(b) An action may be initiated only by a person claiming rights or benefits, not by an employer.

(c) The United States Department of Labor, Veterans Employment and Training Service is authorized to act on charges of employment discrimination under USERRA.

(i) Prior to filing an action with the Veterans Employment and Training Service, an individual shall exhaust state administrative procedures.

(ii) If unsatisfied with the outcome of the State's grievance mechanism, an individual may file an administrative complaint.

(d) A person who receives notice from the Veterans Employment and Training Service of an unsuccessful attempt to resolve a complaint may request that the complaint be referred to the Attorney General of the United States. The U.S. Attorney General is entitled to appear on behalf of, act as attorney for, and commence action for relief in an appropriate U.S. District Court.

(e) An individual may commence an action for relief if that person:

(i) has chosen not to file a complaint through the Veterans Employment and Training Service;

(ii) has chosen not to request that the complaint be referred to the U.S. Attorney General;

(iii) has been refused representation by the U.S. Attorney General.

**R477-2-5. Control of Personal Service Expenditures.**

(1) Statewide control of personal service expenditures shall be the shared responsibility of the employing agency, the Governor's Office of Planning and Budget, the Department of Human Resource Management and the Division of Finance.

(2) Agency management may request changes to the Position Management Report which are justified as cost reduction or improved service measures.

(a) Changes in the numbers, job identification, or salary ranges of positions listed in the Position Management Report shall be approved by the Executive Director, DHRM or designee.

(3) No person shall be placed or retained on an agency payroll unless that person occupies a position listed in an agency's approved Position Management Report.

**R477-2-6. Records.**

(1) DHRM shall maintain a computerized file for each employee that contains the following, as appropriate:

(a) Performance ratings;

(b) Records of actions affecting employee salary, current classification, title and salary range, salary history, and other personal data, status or standing.

(2) Agencies shall maintain the following records in each employee's personnel file:

(a) Applications for employment, Employment Eligibility Certification record, Form I-9, and other documents required by Immigration and Naturalization Service (INS) Regulations, under the Immigration Reform and Control Act of 1986, employee signed overtime agreement, personnel action records, notices of corrective or disciplinary actions, new employee orientation form, benefits notification forms, performance evaluation records, termination records.

(b) References to or copies of transcripts of academic, professional, or training certification or preparation.

(c) Copies of items recorded in the DHRM computerized file and other materials required by agency management to be placed in the personnel file. The agency personnel file shall be considered a supplement to the DHRM computerized file and shall be subject to the rules governing personnel files.

(d) Leave and time records.

(e) Copies of any documents affecting the employee's conduct, status or salary. The agency shall inform employees of any changes in their records based on conduct, status or salary no later than when changes are entered into the file.

(3) Employees have the right to review their personnel file, upon request, in DHRM or the agency, as governed by law and as provided through agency policy.

(a) Employees may correct, amend, or challenge any information in the DHRM computerized or agency personnel file, through the following process:

(i) The employee shall request in writing that changes occur.

(ii) The employing agency shall be given an opportunity to respond.

- (iii) Disputes over information that are not resolved between the employing agency and the employee, shall be decided in writing by the Executive Director, DHRM. DHRM shall maintain a record of the employee's letter; the agency's response; and the DHRM Executive Director's decision.
- (4) When a disciplinary action is rescinded or disapproved upon appeal, forms, documents and records pertaining to the case shall be removed from the personnel file.
- (a) When the record in question is on microfilm, a seal will be placed on the record and a suitable notice placed on the carton or envelope. This notice shall indicate the limits of the sealed section and the authority for the action.
- (5) Upon employee termination, DHRM and agencies shall retain computerized records for thirty years. Agency hard copy records shall be retained by the agency for a minimum of two years, then transferred to the State Record Center by State Archives Division to be retained for 65 years.
- (6) Information classified as private in both DHRM and agency personnel and payroll files shall be available only to the following people:
- (a) the employee;
  - (b) users authorized by the Executive Director, DHRM, who have a legitimate "need-to-know";
  - (c) individuals who have the employee's written consent.
- (7) Utah is an open records state, according to Chapter 2, Title 63, the Government Records Access and Management Act. Requests for information shall be in writing. The following information concerning current or former state employees, volunteers, independent contractors, and members of advisory boards or commissions shall be given to the public upon written request where appropriate with the exception of employees whose records are private or protected:
- (a) the employee's name;
  - (b) gross compensation;
  - (c) salary range;
  - (d) contract fees;
  - (e) the nature of employer-paid benefits;
  - (f) the basis for and the amount of any compensation in addition to salary, including expense reimbursement;
  - (g) job title;
  - (h) performance plan;
  - (i) education and training background as it relates to qualifying the individual for the position;
  - (j) previous work experience as it relates to qualifying the individual for the position;
  - (k) date of first and last employment in state government;
  - (l) the final disposition of any appeal action by the Career Service Review Board;
  - (m) the final disposition of any disciplinary action;
  - (n) work location;
  - (o) a work telephone number;
  - (p) city and county of residence, excluding street address;
  - (q) honors and awards as they relate to state government employment;
  - (r) number of hours worked per pay period;
  - (s) gender;
  - (t) other records as approved by the State Records Committee.
- (8) When an employee transfers from one state agency to another, the former agency shall transfer the employee's original file to the new agency. The file shall contain a record of all actions that have affected the employee's status and standing.
- (9) An employee may request a copy of any documentary evidence used for disciplinary purposes in any formal hearing regardless of the documents source, prior to such use. This shall not apply to documentary evidence used for rebuttal.
- (10) Employee medical information obtained orally or documented in separate confidential files is considered private or controlled information. Communication must adhere to the Government Records Access and Management Act, Section 63-2-101. Employees who violate confidentiality are subject to state disciplinary procedures and may be personally liable for slander or libel.
- (11) In compliance with the Government Records Access and Management Act, only information classified as "public" or "private" which can be determined to be related to and necessary for the disposition of a long term disability or unemployment insurance determination shall be approved for release on a need to know basis. The agency human resource manager or authorized manager in DHRM shall make the determination.



(12) Employees may verbally request the release of information for personal use; or authorize in writing the release of their performance records for use by an outside agent based on a need to know authorization. "Private" data shall only be released, except to the employee, after a written request has been evaluated and approved.

**R477-2-7. Release of Information in a Reference Inquiry.**

Reference checks or inquiries made regarding current or former public employees, volunteers, independent contractors, and members of advisory boards or commissions can be released if the information falls under a category outlined in R477-2-6(7), or if the subject of the record has signed and provided a reference release form for information authorized under Title 63, Chapter 2.

(1) The employment record is the property of Utah State Government with all rights reserved to utilize, disseminate or dispose of in accordance with the Government Records Access and Management Act.

(2) Additional information may be provided if authorized by law.

**R477-2-8. Employment Eligibility Certification (Immigration Reform and Control Act - 1986).**

(1) All career and non-career employees appointed on and after November 7, 1986, as a new hire, rehire, interdepartmental transfer or through reciprocity with or assimilation from another career service jurisdiction must provide verifiable documentation of their identity and eligibility for employment in the United States as required under the Immigration Reform and Control Act of 1986.

(2) Agency hiring officials are responsible for verifying the identity and employment eligibility of these employees, by completing all sections of the Employment Eligibility Certification Form I-9 in conformance with Immigration and Naturalization Service (INS) Regulations. The I-9 form shall be maintained in the agency personnel file.

**R477-2-9. Disclosure by Public Officers Supervising a Relative.**

It is unlawful for a public officer to appoint, directly supervise, or to make salary or performance recommendations for relatives except as prescribed in the Nepotism Act, Section 52-3-1.

(1) A public officer supervising a relative shall make a complete written disclosure of the relationship to the chief administrative officer of the agency or institution, in accordance with Section 52-3-1.

**R477-2-10. Employee Liability.**

An employee who becomes aware of any occurrence which may give rise to a law suit, who receives notice of claim, or is sued because of an incident related to his employment, shall give immediate notice to his supervisor and to the Department of Administrative Services, Office of Risk Management.

(1) In most cases, under provisions of the Governmental Immunity Act (GIA), Sections 63-30-36, 63-30-37, employees shall receive defense and indemnification unless the case involves fraud, malice or the use of alcohol or drugs by the employee.

(2) If a law suit results against an employee, the GIA stipulates that the employee must request a defense from his agency head in writing within ten calendar days.

**R477-2-11. Quality Service Award.**

When requested by the Director, agencies shall assign employees to serve on the Utah Quality Award Evaluation Panel according to criteria established by section 67-19-6.4 and DHRM.

**KEY**

administrative responsibility, confidentiality of information, fair employment practices, public information

**Date of Enactment or Last Substantive Amendment**

July 5, 2002

**Notice of Continuation**

June 11, 2002

**Authorizing, Implemented, or Interpreted Law**

63-2-204(5); 67-19-6; 67-19-6.4; 67-19-18

## Utah Chiefs of Police Association Response to Recommendations of Task Force on Racial and Ethnic Fairness

## **WORKFORCE: RECRUITMENT/HIRING**

### ***1. Agencies in the State of Utah should establish and maintain Equal Employment Opportunity Plans***

Implementation Status: **Completed and ongoing**

Most police departments in the state have met this requirement. Those departments that have not established and maintained Equal Employment Opportunity Plans are small agencies that do not have a human resources person in the city to deal with it. All agencies state they are an “Equal Opportunity Employer” but as far as plans to further this objective depend on resources within the city.

### ***2. Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.***

Implementation Status: **Ongoing**

Many police departments attempt to recruit minorities, however, they have encountered many obstacles. Among them being the lack of resources to actively recruit, the lack of interest on the part of minorities to go into law enforcement, and of those minorities that are interested, many do not meet the hiring standards. This objective is also related to the size of the department and the available pool of minorities to choose from. For a Chief to allocate resources to this issue will require the Chief to pull someone from another duty to recruit minorities. It is a matter of resources. If a grant could be obtained that would specifically pay for recruitment efforts, many Chiefs would be willing to participate. All Chiefs would love to have qualified minorities on the department but getting qualified minorities is a resource challenge.

The Chiefs of Police, Sheriff’s and POST realize the importance of this objective and have been working with the Commission to form a minority officer recruitment group. This group has been charged with the role of creating practical models for law enforcement agencies to utilize in improving the pool of qualified minority applicants.

### ***3. Peace Officer Standards and Training (POST) and law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.***

Implementation Status: **(POST recommendation)**

There is not a standard evaluation instrument used by all police departments. This objective should be handled by POST or other governmental agencies that have the time and resources to develop an instrument that could be administered at the time of hiring and/or basic training. If one can be made available, at little or no cost, the association will be happy to encourage and facilitate the agency use.

## **TRAINING**

***1b. Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as:***

- ***Race Versus Culture***
- ***Hate Groups and Hate Crimes***
- ***Gender as a Unique Cultural Heritage***
- ***Domestic Violence Training***
- ***Sexual Harassment on the Force***
- ***Rape Survivor Awareness***
- ***Understanding One's Own Biases***
- ***Consequences for Racial Bias on the Job: Can I Be Sued?***

***1c. Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.***

Implementation Status: **Completed in part and ongoing**

The Association spent considerable time and effort in developing the “Bias Based Policing” training module. As it was taught around the state it was well accepted and good dialogue was accomplished at the training. However, the issue of prioritization was again brought forward. The Law Enforcement Officer in this state feel they do all they can and should do given the resources they have, to deal with the minority population in their community. To do more than what is being done would require the issue of race relations to be a greater problem than it is. Cultural training is one of the many training issues police have to deal with and it is not a high priority.

***2a. Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.***

Implementation Status: **Low Priority**

This subject is not on the agenda for either conference and unless something changes, it is unlikely it will. The issue of “Race Relations” is not perceived as a problem big enough to merit time on the agenda. However, the Chair of the Commission on Racial and Ethnic Fairness will be

given time in the March 2004 to present the Chief of Police with the Commission annual report and discuss cooperation.

- 2b. *Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.***

Implementation Status: **Low Priority**

This recommendation is currently not required. The statute requires an in service requirement of 40 hours of training per year. The administrators or officers may choose any subject they like for those 40 hours as long as it is approved by the Chief or Sheriff. Again, as a general rule, it is not a high enough priority to merit the requirement of such training.

### **INTERPRETATION**

- 1. *All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:***
- *development of minimal interpreter standards,*
  - *utilization of the AT&T Language Line*
  - *language training opportunities for law enforcement, including tuition awards and in-house training, and*
  - *use of volunteers to provide assistance with both knowledge of language and culture*

Implementation Status: **Completed in part and ongoing**

The Chiefs Association has secured subscription to a statewide language services telephone line that all police departments can access at low cost. This line is currently utilized by larger departments, but this effort is intended to assist the smaller departments. The service is being used as needed.

### **COMMUNITY RESOURCES/OUTREACH**

- 3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:***
- *law enforcement complaint process,*
  - *judicial complaint process,*
  - *other employee complaint process,*
  - *annual report on minority bar, and*
  - *web site information on minority bar and judges, to include tribal courts.*

Implementation Status: **Ongoing**

Many municipal police departments and Sheriffs departments have “School Resource Officers.” These officers teach these very subjects as well as try to recruit minorities. This method however, is budget driven and is not in existence in every high school. The Commission recruitment subcommittee, in conjunction with law enforcement has been examining ways provide better outreach to junior high and high school students. Specific models will be implemented within the coming year and available in our next report

8. ***Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community’s needs.***

Implementation Status: **Ongoing**

Ogden Police Department and some other large departments have an employee that works with the minority community, religious and civic groups to facilitate better understanding between the police and the community. This person does not regularly coordinate with other criminal and juvenile justice entities. However, as stated above, statewide collaboration is underway with the formation of the new law enforcement work group.

## **COMPLAINT PROCESSES**

1. ***At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.***

Implementation Status: **Completed and further efforts in progress**

This issue was discussed in the Complaints Subcommittee and the recommendation was that the person making the complaint to the commission be encouraged to file a formal complaint with the Law Enforcement Agency. If a department does not have a complaint process, a member of the commission will work with the minority to help them make their concern known to the Law Enforcement Agency. The commission could develop a complaint form that would be available to the minority to fill out if the Law Enforcement Agency did not have a form. This form would be routed to the agency for response. If the complainant is not satisfied with the Chiefs response the complainant would be assisted by the commission, if necessary, to the natural appellate process in the agency which in most cases is the City/County administrator over the agency.

The problem is that a citizen may complain about how he/she is treated by an officer, but the complaint is reviewed by other officers/administrators within the department and the complainant does not feel he or she receives a fair hearing. Some civil rights complaints are reviewed by the FBI. However, this rarely occurs.

## **ADMINISTRATION**

1. ***Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing,***

*reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.*

Implementation Status: **(Commission Recommendation)**

The hate crime legislation has continually been defeated by the Utah State Legislature. All police departments have a complaint process where hate crimes can be reported, investigated and prosecuted.

2. *Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.*

Implementation Status: **Ongoing**

Police administrators do not tolerate officer misconduct, including misconduct based on race or ethnicity. If there are cases of abuse the administrator usually does not find out about it. All departments in the state now have policies that prohibit “Racial Profiling” or any conduct based solely on race or ethnicity. As of January 2003, state law requires these procedures to be in place.

3. *Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.*

Implementation Status: **Completed and enacted into policy**

The Utah Chiefs of Police Association has had a model “Racial Profiling Policy” on its web site, [www.utahchiefs.org](http://www.utahchiefs.org) over a year. All departments have used this model policy to adopt their own policy.

4. *Law enforcement agencies should seek funding necessary to install video cameras with audio capability to be used in patrol vehicles and micro-cassette recorders to be utilized on citizen contacts away from the patrol vehicle in order to ensure against profiling based on race and ethnicity.*

Implementation Status: **High priority and ongoing**

Video cameras are a high priority for all police departments. Video cameras in the cars are continually being budgeted by Police Departments and are installed as the budget for them is approved. This tool is recognized by Law Enforcement as a valuable asset to the Law Enforcement Officer.

## **DATA**

1. *The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.*

Implementation Status: **(Commission on Criminal and Juvenile Justice Recommendation)**

This issues is being handled by the Commission on Criminal and Juvenile Justice as required by law. Very few law enforcement agencies keep their own statistics.

2. *Individual law enforcement agencies should track yearly the following data related to complaint processes:*

- *Review board members' race and ethnicity,*
- *Review board members' length of service,*
- *The officer's race/ethnicity,*
- *The complainant's race/ethnicity, and*
- *The overall number of police abuse complaints filed and their dispositions.*

Implementation Status: **Ongoing**

The Salt Lake City Police Department has recently created a Civilian Review Board. Information on this Board can be accessed at: <http://www.ci.slc.ut.us/civilianreview/>. However, this is not the standard as most departments do not have review boards. The number of complaints are so few that most cases of officer abuse is handled by the Chief.

8. *Law enforcement agencies should keep not only accurate, but readily compilable, accessible and review able racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (i.e. gang-related stops, traffic violations).*

Implementation Status: **In Progress and ongoing**

H.B. 101 "Racial Profiling" will go a long way to accomplish this goal. The "Racial Profiling Bill" does provide for some tracking of the criminal justice system's racial profiling propensities. Currently the State Department of Public Safety is collecting that data and forwarding it the Commission on Criminal and Juvenile Justice.

## **Commission on Criminal and Juvenile Justice**

## Response to Recommendations of Task Force on Racial and Ethnic Fairness

### **WORKFORCE: RECRUITMENT/HIRING**

#### ***1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.***

##### **Implementation Status: Not Required but process in place**

The Utah Commission on Criminal and Juvenile Justice (CCJJ) is not required by federal law to establish or maintain an Equal Employment Opportunity Plan due to the fact that CCJJ does not employ more than 50 individuals. There are currently 14 full time and 2 part time *at will* staff employed by CCJJ.

Although CCJJ is not required to have an EEO Plan, we value diversity and promote equal opportunity in our hiring practices and among the membership of the various boards and commissions associated with CCJJ. For example, the Utah Sentencing Commission has a representative from the ethnic community appointed by the Governor in addition to its subcommittees having at least one representative from ethnic communities. The Utah Substance Abuse and Anti-Violence Coordinating Council has a representative from the Office of Minority Affairs in addition to representatives from two ethnic minorities on one of its subcommittees. The Utah Board of Juvenile Justice (UBJJ) has nine members that represent various ethnic minority communities, all appointed by the Governor. Additionally, UBJJ has six representatives from ethnic minority communities on its Disproportionate Minority Confinement subcommittee.

CCJJ also provides training for units of local government and community-based agencies on EEO requirements. Training was provided October 2, 2003 for all subgrantees where copies of the Civil Rights Seven-Step Guide were provided.

CCJJ continues to have a role in monitoring subgrantees to ensure they have EEOs if the number of employees fall within the federal criteria. Subgrantees are also required to provide current EEOs during monitoring visits if the plan on file at CCJJ has expired. On occasion, CCJJ has temporarily suspended grant reimbursements until EEOs are received.

Recently the Office of Civil Rights informed CCJJ that its role will include monitoring subgrantees for any adverse findings of discrimination on the grounds of race, color, national origin, age, sex, religion or disability. Letters have been prepared and will be mailed to all subgrantees requesting this information be provided for the prior three years. Subgrantees will have until January 15, 2004 to respond with the appropriate documentation. Subgrantees failing to respond will have reimbursement payments suspended pending receipt of the documentation. Monitoring checklists have also been amended to include a question regarding any adverse findings.



**4. *The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

**Implementation Status: Ongoing**

When vacancies become available at CCJJ, they are typically filled from within the office or through word-of-mouth and contacts with various agencies. Notices of openings have been shared with the Multi-Cultural Legal Center, the Governor's Ethnic Affairs Offices, and members that serve on the Commission for Racial and Ethnic Fairness in the Legal System. Unfortunately, due to budget constraints, there have been no vacancies available at CCJJ (despite the constantly increasing work load). Therefore, we have not had occasion, during the previous year, to utilize, let alone evaluate, the above stated practices.

**7a. *The governor should ensure that every judicial nominating commission has a racially diverse membership.***

**Implementation Status: Ongoing**

Under Utah law, the governor appoints all 7 members of each judicial nominating commission, however some appointments must come from a list from the Utah State Bar. There are also statutory limitations on how many members may be of one political party. Racial diversity of these commissions and, specifically, the race or ethnicity of a particular nominee is one of several considerations.

The current racial make-up of the varying judicial nominating commissions are as follows:

- Appellate Court Nominating Commission - no commission formed at this time;
- First District - no commission formed at this time;
- Second District - one member from an ethnic background;
- Third District - two members from an ethnic background;
- Fourth District - one member from an ethnic background;
- Fifth District - no members from an ethnic background;
- Sixth District - no member from an ethnic background;
- Seventh District - no commission formed at this time;
- Eighth District - no commission formed at this time.

**7b. *The judicial nominating commissions and governor should adopt a policy that expressly recognizes the importance of racial and ethnic diversity in the nomination and appointment of judges.***

**Implementation Status: Informally considered**

Being appointed to the bench involves an extremely rigorous selection process. In turn, depending upon the specific position being filled, the list of candidates, and any host of other relevant and appropriate circumstances, this decision is largely subjective, both for the

nominating commissions and governor. The governor follows constitutional and statutory guidelines. In addition, she is personally sensitive and approving of the benefits of racial and ethnic diversity.

The governor does not establish explicit guidelines regarding her choice from among judicial candidates because her duty to select judges is by its constitutional nature wholly discretionary. Establishing guidelines could create a formula under which discretion is limited if not constrained. Moreover, explicit guidelines are, in effect, a standard against which third parties could seek legal relief. A lawsuit complaining that the governor failed to follow a standard could have the effect of letting sitting judges decide whether or not to accept a colleague onto the bench.

The Executive Director of CCJJ is significantly involved in the examination, interviewing, and counseling over the governor's appointment of judges. Racial and ethnic diversity is specifically discussed, considered, and weighed in the balance, but is not determinative one way or another in the judicial appointment process.

## **COMMUNITY RESOURCES/OUTREACH**

1. *The State Office of Education should consider the following as strategies to assist in developing the pool of qualified minority applicants for criminal and juvenile justice careers:*
  - *a pilot criminal and juvenile justice academy/magnet school at the high school level that focuses on the many career opportunities in the criminal and juvenile justice system.*
  - *incorporating criminal and juvenile justice issues into the high school curriculum.*

### **Implementation Status: Ongoing**

Although this recommendation is not directed at CCJJ, our office has provided funding to local communities that has aided in the implementation of law-related education programs. These programs have brought law enforcement officers into the schools to teach students about the Utah justice system. In the process, students also learn about careers in law enforcement. CCJJ will continue to support these efforts as funds allow and as efforts dictate.

CCJJ continues to provide grant funding for programs that expose students to the functions of the justice system. This year, CCJJ provided funding to Logan City Police to implement a law enforcement careers course at the Bridgerland Technology School. High school students interested in a career in law enforcement can enroll in this class taught by local law enforcement officers and other professionals in the field.

For the last several years CCJJ staff have also served as judges for the state's annual mock court competition. In this capacity, staff have given participating middle school and high school students insights into potential careers in the criminal justice field.

CCJJ is also currently supporting the Utah School Resource Officers Association. Two years ago, CCJJ formed the organization and then transferred responsibility for maintaining it to the Utah Council for Crime Prevention. The association provides a venue for information exchange and training on the role of law enforcement officers in our schools. CCJJ contributes grant funding to support annual training activities for these officers.

***2a. The State Office of Education, via their "Prevention Dimensions" K-12 curriculum, should take a leadership role in partnering with the courts, state government, local government, legal organizations, and community groups, to teach the community and students about respect for different cultures, tolerance of difference, and understanding about what constitutes a hate crime.***

**Implementation Status: Ongoing**

Although this recommendation is not directed at CCJJ, the Director of the Utah Substance Abuse and Anti-Violence Coordinating Council (USAACV) has maintained membership on the Prevention Dimension Steering Committee. This committee provides advice, direction and oversight for how Prevention's Dimension is implemented and taught in Utah classrooms. USAACV members are also involved in the actual writing of the curriculum, including components on diversity.

CCJJ continues to maintain membership on the Prevention Dimension Steering Committee and participates in developing the agenda for annual teacher training on the curriculum.

***3. All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:***

- ***law enforcement complaint process,***
- ***judicial complaint process,***
- ***other employee complaint process,***
- ***annual report on minority bar, and***
- ***web site information on minority bar and judges, to include tribal courts.***

**Implementation Status: High Priority for the Utah Board of Juvenile Justice**

CCJJ's role in this recommendation has been the awarding of federal and state grants for programs that promote a better understanding of Utah's justice system. Funds have been provided for the translation of court materials, for the production of a court education videotape aimed at parents, and for studies that examine racial and ethnic fairness in the legal system. These programs all contribute to enhanced public understanding about how Utah's justice system functions.

CCJJ continues to fund programs that promote a better understanding of Utah's justice system. In the last several years, CCJJ's Utah Board of Juvenile Justice has identified the over-representation of minority youth in our juvenile justice system as their top priority issue. As a result, the Board has funded multiple programs that target the ethnic minority communities. These programs include prevention and intervention services, advocacy services, and court services.

***8. Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.***

Implementation Status: **Ongoing**

The various boards and commissions affiliated with CCJJ allow us to have an on-going dialogue with members from various communities. This dialogue is often facilitated by our membership, through personal invitation, at the request of specific groups, and through program partnerships.

## **ADMINISTRATION**

***1. Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

Implementation Status: **(Commission Recommendation)**

This will be addressed by the Utah Sentencing Commission, which is housed at CCJJ.

***12. The Legislature, county and local governments should provide additional financial resources to bring all prosecutor and legal defense offices up to the equivalent provided to the Salt Lake District Attorney's Office and the Salt Lake Legal Defender's Association.***

Implementation Status: **(Local Government Recommendation)**

This recommendation does not apply directly to CCJJ. However, CCJJ can help facilitate discussion on this recommendation if state and local governments wish to pursue this course of action.

## **DATA**

***10. Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.***

Implementation Status: **Process in place**

CCJJ employees are encouraged to discuss matters of racial and ethnic fairness in the workplace with their supervisor anytime such issues arise. No CCJJ employees have left during the past year so any exit interview opportunity has not yet risen.

## **RESEARCH**

***1. The criminal and juvenile justice system should implement management information***

*systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.*

**Implementation Status: In Progress**

CCJJ, through the Utah Board of Juvenile Justice, is currently conducting a comprehensive evaluation of its federally-funded juvenile justice programs. This evaluation effort, commencing its third year, involves the administration of two survey instruments for all program clients. These instruments measure risk and protective factors as well as psychological distress of the subjects. The use of these survey tools is widespread and allows for comparative analysis of youth participating in sponsored projects with youth from the general population within Utah and other similar states. The surveys are given pre-program and post-program for comparative purposes. A database of this information is being developed and will help identify program models that are most effective in reducing juvenile delinquency.

In accordance with its statutory duties, CCJJ is increasing the systems research and evaluation capacity through a research consortium with the University of Utah. The Criminal and Juvenile Justice Consortium (CJJC) is a developing partnership with the varying colleges at the University to provide justice research including evaluations of specific programs and principles. Also, CCJJ has recently contracted with an economics professor to create a sophisticated costs/benefits tool which will provide additional information on a given program for offenders.

Both the CJJC and the cost/benefits tool are moving along nicely. A specific “Blueprint” of the CJJC is being considered to more formalize an already productive partnership which has produced numerous research projects including several specifically for the race & ethnic fairness effort. Also, Prof. Fowles’ cost/benefits tool is now ready to begin detailed and complicated analyses specific to adult programs in order to provide critical information to policymakers as to whether a particular program is justifying its funding.

3. *The Commission on Criminal and Juvenile Justice should study law enforcement data regarding racial profiling, once sufficient data has been collected by local law enforcement agencies (ie Salt Lake City Police Department, St. George Police \ Department), and should publish their findings.*

**Implementation Status: In Progress**

The Commission on Criminal & Juvenile Justice is following state law as enacted by HB 101S1 Racial Profiling (Rep. Bourdeaux). This law requires the collection of limited data elements, i.e. the race/ethnicity of the stopped driver and the same information plus the gender of the law enforcement officer. It also requires CCJJ to report back concerning the adequacy of the data elements and possibly, whether inappropriate law enforcement profiling has occurred. Given the complexities of such an analysis combined with the very limited data available, this process is proving to be quite slow and involves problematic methodologies.

However, the gradual collection of race and ethnic data via the new law may provide an invaluable

long term research by-product: accumulating a critically needed database pool for any number of future studies ranging from examining the front end of the system to the back.

**Utah Department of Corrections  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

## **WORKFORCE: RECRUITING/HIRING**

### ***1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity plans.***

Implementation status: **COMPLETED AND INITIATED INTO POLICY**

- Corrections has had an EEO plan in effect since 1988.
- The plan is updated and reviewed every two years and submitted to the Office of Civil Rights for approval.
- Our most recent plan was submitted and approved in June 2002.
- A committee of representatives from each division has been established to implement the plan.

### ***(4) The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Implementation status: **PROCESS ESTABLISHED AND A WORK IN PROCESS**

- The Utah Corrections Diversity Coordinator position was abolished and reclassified. A Human Resource Analyst was assigned to direct the Department's minority recruitment efforts.
- Corrections is emphasizing recruiting at ethnic events and festivals to make contact with the minority community.
  - 1) The HR Analyst has met and continues to maintain positive relationships with the Directors and staffs of the Governor's Offices of Ethnic Affairs. Their agency was informed of the Department's desire to seek out qualified individuals to fill desirable positions. It was called to their attention the need for their organization to refer eligible employment candidates to meet our staffing needs.
  - 2) The HR Analyst proactively recruits from Minority Social Organizations, Ethnic Studies Programs, Associations and Women's Programs at state colleges/universities, Government Job Training Programs, Utah Workforce Services, local Houses of Worship and Religious Centers and through promotions with local radio and media outlets.
  - 3) The HR Analyst has a number of Brigham Young University graduate students working on specific projects involving recruitment issues of ethnic minorities and women. They are examining our processes of recruitment, gathering statistical information to compare our employee population to Utah's ethnic/gender available workforce. They will make recommendations for improvement in the Department's recruitment and retention efforts through the development of a tracking program and a meaningful exit interview. The deadline to complete their assignment is December 17, 2003.
  - 4) The HR Analyst has received an approval from three Division Directors to purchase a Job Fair Recruitment exhibit, which will feature graphic images of a diverse workforce for the purpose of improving recruitment efforts.
  - 5) The HR Analyst is involved in teaching Cultural Diversity to Corrections Pre-Service

Academy and to county correctional officers throughout the state of Utah, thus projecting a positive image for the Department.

6) The HR Analyst has developed a recruitment brochure with images of a diverse workforce.

7) The HR Analyst has and will attend ethnic, community annual events and cultural celebrations to recruit for and promote the Department's desire to attract people of color to its employment ranks.

The Department of Corrections is represented by a member on a subcommittee of the Task Force on Racial and Ethnic Fairness. The subcommittee has met with various ethnic/minority representatives from a variety of state agencies and from the community pertaining to improving minority recruitment efforts. The subcommittee is in the process of implementing and reaffirming their recommendations. They do not have a projected time table for focusing on Corrections recruitment, as it is a continuing and developing process.

- 10. *The workforce of Adult Probation and Parole and the Department of Corrections should establish policies and practices to increase their ability to recruit minority applicants. Hiring practices should be evaluated for their effect on minority applicants. Corrections should seek minority employees actively as new hires or on a contract basis, such as for pre-sentence investigators.***

**Implementation status: A WORK IN PROCESS**

A review of the correctional officer testing and hiring process led to a modification of the physical portion of the Correctional Officer pre-test. The test now relies on a physical skills-based model which tests the applicant's ability to perform certain specific job tasks. This test replaced the Cooper test formerly used as part of the Correctional Officer testing process. Since its inception, the pass rate for applicants taking the new skills-based test has been approximately 100% including women and ethnic minority applicants. Most recently, UDC has modified its recruitment policy to allow for public recruitment of AP&P officers. This change allows UDC hiring officials to consider qualified public applicants with prior law enforcement experience and/or education, including women and ethnic minorities.

In last year's report a problem with a higher rejection of ethnic minority than white applicants was identified. Under the direction of our Human Resources Bureau, a task force was formed to review the process and see what can be done to improve the approval rate. This responsibility has been assigned to the HR bureau's minority recruitment specialist and new Correctional Officer recruitment specialist. Currently, the ethnic minority specialist is coordinating efforts with separate graduate student groups to acquire specific data on the success/failure rates of minority vs. non-minority applicants. The report from these groups is anticipated to be received in the Spring of 2004.

**TRAINING**

- 7. *Pre-sentence investigators (PSI) should receive training on the importance of adhering***



*to sentencing guidelines and their affirmative duty to justify departures to specificity.*

Implementation status: **PROCESS ESTABLISHED**

The PSI process changed at the beginning of July, 2003, because of budget cuts. Corrections no longer has independent contractors writing PSI's. They are now done only by Corrections' staff. Guideline training is an on-going issue and part of the Sentencing Commission agenda for 2004.

8. *Training on the nature and impact of racial and ethnic bias within the system should be mandatory for the Department of Corrections and Board of Pardons and Parole employees, including pre-sentence investigators (staff and contract). Mandatory training should include communication skills, and the minority defendant. This training should assist employees in understanding different cultures.*

Implementation status: **PROCESS ESTABLISHED**

- Pre-Service Academy provides 8 hours of training in:
  1. Introduction to Cultural Competency
  2. Cross-Cultural Communications Skills
  3. Cultural Differences and Historical Perspectives
  4. Prejudice Reduction, Labels, Stereotypes
    - This training uses the Utah Multi-Cultural Competency Curriculum for Pre-Service Training adopted by POST and involved 297 participants in ten sessions during the past year.
    - This curriculum is also being used for Division of Institutional Operations (DIO), Adult Probation & Parole (AP&P), and Utah Correctional Industries (UCI) staff in their training meetings.
    - Two hours of Cultural Competency/Unlawful Harassment Training was offered in our annual In-Service Training curriculum.
    - New civilian staff receive two hours of cultural competency training.
    - 1<sup>st</sup> Line Supervisors receive four hours of Cultural Competency/Unlawful Harassment Training.
    - Four hours of Cultural Competency are being added to the new Management In-Service Training for 2004.

## **INTERPRETING**

*No specific directives were given to Corrections.*

Implementation status: **COMPLETED**

- Ethnic Minority Resource Officers at the Draper and Gunnison facilities handle interpreting at their Board of Pardons hearings, Offender Management Reviews and any other situations as needed.
- A directory has been compiled of Corrections staff personnel who speak languages other than English so they can be called upon to interpret as needed. It is very rare for an inmate

to be sentenced to prison who speaks a language not spoken by any staff member. In these cases, efforts are made to find translators or transfer the inmate to facilities where interpreters are available. It is difficult to anticipate these situations since Corrections does not know who will commit a crime and be sentenced to prison until after it happens.

- Correctional officers receive 16 hours of Spanish language training in their Pre-Service Academy to give them some fundamental skills and phrases to use in their dealings with Spanish speaking inmates.

### **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
  - *Law enforcement complaint process,*
  - *Judicial complaint process,*
  - *Other employee complaint process*
  - *Annual report on minority bar, and*
  - *Website information on minority bar and judges, to include tribal courts.*

Implementation status: **PROCESS ESTABLISHED**

- DOC is a member of the Cultural Competency Consortium composed of state agencies and private companies.
- DIO has a public awareness program in which schools and community groups are invited to our Draper site for an educational program.
- An inmate panel of white and minority offenders presents the program.
- Corrections' Public Awareness program is conducted between September and May, every Wednesday during the day, and the first Thursday of the month during the evenings. Special events may also be planned. Corrections' Ethnic Minority Resource Specialists manage the program and an inmate panel of both white and minority offenders presents it.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions to best meet the community needs.*

Implementation status: **A WORK IN PROCESS**

- Focus group meetings attended by representatives from the ACLU, Disability Legal Center, Prison Information Network, and the Citizens for Penal Reform have been held monthly since 1998.
- Our Draper facility has partnered with faith based organizations to provide volunteers to assist inmates in their educational and religious goals.

### **COMPLAINT PROCESSES**

*No specific directives were given to Corrections.*

Implementation status: **PROCESS IN PLACE**

- Our Draper and Gunnison sites have an established process to handle inmate complaints, utilizing the Ethnic Resource Officers assigned to their facilities. Corrections' Ethnic Minority Resource Officers are in place at each facility and are assisting inmates when needed for all issues—not only complaints. In our prisons, all inmates have access to the inmate grievance system where unresolved complaints can be addressed.
- All three departments (AP&P, DIO and UCI) that deal with inmates attend the monthly focus group to receive input and complaints from those present.
- Complaints received through the mail or telephone are handled by our Director of Public Affairs and referred to the correct department for resolution.

## **ADMINISTRATION**

1. *Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of crimes, and to report complaints about handling of their cases.*

Implementation status: **(COMMISSION RECOMMENDATION)**

This recommendation should be addressed by the Commission, as a whole. Corrections main contribution in this effort is through detection and control of hate crimes committed by prison inmates against other inmates.

13. *In order to develop race-neutral release policies, Utah's criminal justice system should adapt objective criteria for pre-trial release.*

Implementation status: **A WORK IN PROCESS**

- Corrections' Adult Probation & Parole (AP&P) agents are used by the courts to compile and write Pre-Sentence Investigation (PSI) reports from a 3<sup>rd</sup> party perspective.
  - Sentencing recommendations are made by AP&P agents to the courts based on the information they receive from these reports.
  - Corrections has not conducted a formal review of all PSI's to ensure that reports are being written from a race-neutral perspective. However, every report is reviewed by a Corrections supervisor. These reports are read by judges, prosecutors, and defense attorneys. No reports of bias have been received by Corrections from any of these groups.
14. *The pre-sentence report header should not include race/ethnicity of the accused victims. At no time should race/ethnicity be considered in the pre-sentence evaluation except when that information is an integral component to the pre-sentence evaluation such as police report description or in hate crimes. The data, however, should be collected and maintained separately and electronically if possible.*

Implementation status: **COMPLETED**

- The header does not give information on the race or ethnicity of the defendant.
- Information on the need for an interpreter and what language is needed is included at the front of the PSI.
- The “Background and Living Situation” section includes information on where the defendant was born or grew up which might tell something about race or ethnicity.
- Data on race and ethnicity are collected and maintained electronically in the O-Track data base.

**15. *Upward departure recommendations on pre-sentence investigations should, by policy, require review by a supervisor. Records shall be kept in a searchable form of all approvals for upward departures.***

Implementation status: **PROCESS IN PLACE**

As mentioned earlier, the PSI process has changed recently. We no longer contract with outside PSI writers—all PSI’s are now written by Corrections staff. All our staff have received cultural competency training. Reports on compliance with guidelines have been made during the last year to the Sentencing Commission which include both upward and downward departures.

**17. *Court ordered psychological evaluations (ie. Those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client’s cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.***

Implementation status: **A WORK IN PROCESS**

- All evaluations are made by practitioners who carry the appropriate license from the state.
- Since most evaluations are performed by a contract provider, cultural competency training could be required. Currently, due to resources, Corrections does not plan to provide or require training for all contract providers.
- Measuring the practitioner’s basic understanding of each client’s background would be difficult.

## **DATA**

**1. *The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.***

Implementation status: **NOT APPLICABLE**

- Corrections does not collect data on the race or ethnicity of victims.

- Our recommendation is that this be tracked through BCI and the arrest records.
- 10. *Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee=s work environment.***

Implementation status: **A WORK IN PROCESS**

- We are currently reworking our exit interview process and will include questions on racial and ethnic fairness in the work place. We are working with students from BYU on developing a new exit interview which should be completed soon.
  - We conducted an extensive survey of staff on many issues this year. The results have not been published yet but we anticipate having them soon.
- 16. *The Department of Corrections should keep racial and ethnic statistics regarding the demographics of the prison, probation and parole populations, including: offense by type(s); recommendations of pre-sentencing reports; sentencing guidelines compared to sentences by courts to probation, prison; length of stay compared with sentencing guidelines; probation or parole rates; and those with illegal alien status, so that the impact of efforts toward increasing racial and ethnic fairness can be properly monitored.***

Implementation status: **COMPLETED**

- Corrections offender tracking database, O-Track, includes data on the race and ethnicity of offenders.
- This allows us to give racial and ethnic profiles on:
  1. Population demographics
  2. Offense categories
  3. PSI recommendations
  4. Sentencing recommendations
  5. Length of stay compared to guidelines
  6. Probation and parole violation rates
  7. Rates of successful termination

## **RESEARCH**

***(1) The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender=s family.***

Implementation status: **A WORK IN PROCESS**

- Corrections continues to be involved in research and evaluation of programs.
- We have developed a comprehensive database on programming and program participation. We hope to be able to provide meaningful outcome information within the next year.

- Our new programming initiatives include greater integration of families and community organizations with emphasis on faith-based groups.

**Utah Department of Public Safety- Utah Highway Patrol  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**Criminal Interdiction in Utah**

Five years ago and for many years before that, the Utah Highway Patrol was anxiously engaged in criminal interdiction on our highways. Troopers were out there, being observant, looking for contraband, and were very successful in their efforts. Was the program broke or malfunctioning? No. The difference between then and now was the fact that we were not as widely trained in the area of interdiction as we are now. It was a relatively small group of troopers who were developed in this area, and who became widely successful. Since that time, and over the past few years, our criminal interdiction training has been more readily available. There has been a renewed emphasis in this area of police work, and the Utah Highway Patrol has recognized the importance of interdiction enforcement, and the necessity to organize our enforcement efforts.

#### THE UHP'S RESPONSE TO RACIAL PROFILING CONCERNS

Approximately three years ago there was a concern across the nation about racial profiling. Utah was not in the spotlight for racial profiling at the time, but with public attention turned toward this issue, Commissioner Flowers felt it was an appropriate time to assess the way we conduct ourselves in the area of interdiction. If we were to have a proactive and robust program, it only made sense to get out in front of these issues and be prepared for any possible scrutiny.

Commissioner Flowers appointed Lt. Swain to develop our Department Criminal Interdiction Team. The original team had ten members. There was a commander, three investigators, and six patrol officers. Three of the patrol officers were k-9 handlers. One of those handlers was appointed to be the department k-9 program coordinator, tasked to facilitate the training and development of all ten of the departments dogs and handlers.

Solid training has been an important component of the current interdiction team. Through proper training, the team has successfully eliminated the possibility of racial profiling and other pitfalls associated with constitutional issues. Training and accountability are extremely important, and it was generally felt that one without the other would result in a failed program.

#### SIGNIFICANT INCREASE IN INTERDICTION CASES

As a commander, Lt. Swain developed relationships with the Attorney General's Office, the US Attorney's Office, DEA, State Court Prosecutors and other agencies. All of these relationships needed to be improved in order for our interdiction cases to flow smoothly. In 2002, the Utah Department of Public Safety made 85 significant seizures. In 2003, we are on track to exceed 90 significant seizures. Each of these cases are mutually investigated by the Drug Enforcement Agency (DEA) and the State Bureau of Investigation (SBI). The interdiction intelligence is submitted to the Rocky Mountain Highway Patrol Network by Lt. Swain, who is a board member of that organization. The information is then disseminated to scores of intelligence networks. Communication and networking is the key to success on a national basis.

### FACTORS NEEDED FOR A SUCCESSFUL PROGRAM

At least three things are critical to a successful drug interdiction program. First of all, there must be support from the department's administrators. There are many forces working against "drug interdictors" and they must have administrative support. Second, the department must insist that proper search and seizure principles are adhered to, according to the US Constitution and related case law. This second issue can be maintained through ongoing training and monitoring of troopers. Another important variable is the selection of key personnel for the unit. Trooper's who are passionate hard workers and who are willing to work as a team, are an essential ingredient for a successful interdiction program. A third factor would be to maintain solid partnerships in the community. Through outreach efforts focused on various groups in the community, our organization becomes transparent, less threatening, and more approachable.

### CRIMINAL INTERDICTION IS FLUID AND EVER-CHANGING

Indeed there are many other elements necessary for an interdiction program to succeed long term. What was appropriate five years ago may not be appropriate today. How we do business in the realm of interdiction may change drastically as case law is established. We need / and are doing the following:

Sound Policy and Procedure: Five years ago we had policy that was appropriate for that time. We are constantly looking for ways to "tighten" the way we do business. Consent search policy is continually being revisited to ensure that the rights of our citizens are maintained. Current policy addresses the review of citizen complaints related to criminal interdiction issues. The department reviews the proper handling of evidence and makes a regular evaluation and inspection of evidence facilities. Recently, a department K-9 policy was sent up the chain of command for review and is expected to be implemented at any time.

Ongoing Criminal Interdiction Training: Training is extremely important in order to stay abreast of the ever-changing elements of interdiction work. Those involved in interdiction receive this, and in-turn train others in the department. Regular training has increased the number and quality of interdiction arrests statewide, and has helped to keep troopers up to date on case-law.

In 2002, the department sent forty troopers to Desert Snow, which is a comprehensive four-day advanced highway drug interdiction school. In 2003, we sent twenty troopers. We are currently slotted to send twenty more troopers to this training in 2004. On each interdiction stop, the interdiction coordinator Sergeant Jeff Chugg, creates a detailed report on the traffic stop and how business was conducted. Details on the reasonable suspicion and why the officer did what he did and why it will survive legal scrutiny is also included.

During the revitalization of the interdiction program, all members participated in traffic and equipment training to insure legal stops, commercial vehicle training to develop an understanding of semi tractor-trailer units, racial sensitivity, interview and interrogation training, search and seizure, and finally department policy training.



Involvement in Professional Organizations: It has proved critical for our people to participate in law enforcement organizations which discuss interdiction on a statewide and national basis. The sharing of ideas with outside agencies promotes teamwork and cooperation.

Statistical Information: We monitor efforts through accurate record keeping. We keep records of stops which include ethnicity and probable cause for the stop etc. Quality is ensured via a proactive effort to “police” our own conduct and the method in which we do business.

Technology: We have made great strides in becoming technologically advanced. The importance of this is simple; as of this year we now have computers in every patrol car. This allows us to conduct a computer analysis of our interdiction program at any time. The data includes reasons for stops, ethnicity etc.

The above points illustrate the importance of obtaining and then disseminating ongoing and accurate info in the area of interdiction. The results are two-fold, well trained troopers and a public which is satisfied that the constitutional rights of all are upheld. What does this mean as far as issues involving racial fairness? Greater professionalism directly translates into standardization of procedures. This kind of collaboration limits room for procedural error and thus reduces the chance of minority mistreatment.

## **COMPLAINT PROCESS**

The complaint process for the Utah Highway Patrol has remained static and very functional for quite some time. The department has a very effective method for receiving complaints, which is upheld by policy and procedure. Any citizen has an opportunity to voice concerns over the way an incident was handled, and they can be assured that those concerns will be addressed thoroughly and in a timely manner.

The immediate supervisor conducts an investigation and initial review of the incident reports and in-car video recording. Timely contact is made with the complaining party, after which findings and recommendations are then documented and sent up the chain of command for further review. Utah Highway Patrol supervisors will then make a determination as to the seriousness of the situation, and whether or not the trooper is in error. The documentation of the investigation is then filed at internal affairs. A recent recommendation, which may be included in the complaint process in the future, could assist the organization when an incident is identified as one that cannot clearly be resolved. The administrators may at some point, at the discretion of the superintendent, develop a Citizen Review Board to hear the facts of the incident and either support the integrity of the investigation or direct the investigation in a more appropriate direction.

## **INTERNAL AFFAIRS AND TRACKING RACIAL PROFILING**

All complaints having to do with race or racial profiling are sent to DPS Internal Affairs. Internal Affairs has a computerized tracking system which enables them to track cases by name, date, case number, and allegation. A search can also be made utilizing the officers name. This gives internal affairs the ability to conduct spot-checks on employees and make an evaluation regarding patterns of misbehavior. As of 2003, all records whether video or written reports will be kept indefinitely. Prior to that, records were kept for seven years and then destroyed. All information is secure and accessed only by DPS Internal Affairs.

In 2001 the tracking system was updated to include racial profiling, race other (eg. racial comments etc.), false complaints against officers, and employee recognition.

#### **RACIAL COMPLAINT STATISTICS**

For the last three years the department has averaged only 1.33 cases involving any race related complaint. Data was not kept prior to that time period.

#### **2001**

Two cases of racial profiling were investigated. The first was determined to be unfounded, and the trooper in the second case was exonerated of the allegation.

#### **2002**

Only one case was investigated for racial profiling, and the trooper was exonerated of the allegation.

#### **2003**

Only one case for racial profiling has been investigated, and the trooper was again exonerated of the allegation.

These figures confirm that racial profiling is not an issue with the Department of Public Safety / Utah Highway Patrol. In each case to date, when the individuals making these allegations were confronted with the facts of why they were stopped and enforcement action taken against them, without exception all of the complainants have withdrawn their allegation of racial profiling and apologized for the accusation.

#### **IN-CAR VIDEO CAMERAS AND RACIAL & ETHNIC FAIRNESS**

The use of in-car video cameras has greatly enhanced our ability as a department to investigate all complaints, including those surrounding race. The camera leaves no doubt in the minds of those investigating, and paints a clear picture of the entire incident from start to finish. Currently, approximately ninety percent of our troopers and sergeants who actually work the road are equipped with in-car video cameras.

## STATISTICAL INFORMATION OVER THE PAST TWO YEARS

As an organization we feel it is important to share statistical information with our proponents and critics alike. We feel secure in what we are doing, and believe communication directed outside the department is important in order to bring support and understanding to our interdiction efforts. The following represents those efforts:

*NOTE: The fiscal year 2001 numbers are lower because we did not have computers in patrol cars statewide for the entire year.*

*Problem with statistics: We do not know the make-up of the traffic flow, so stops in relation to ethnicity can not be known.*

### VEHICLES STOPPED AND PHYSICAL CUSTODY ARRESTS

FY2001 (7/01-7/02) 124,876 total vehicles stopped

Physical custody arrest reports on our database:

2001: 1499

2002: 7535

*(The above numbers for custody arrests appear skewed simply because we have recently made great strides in our ability to capture information on a statewide basis. Convictions are difficult to track with all the jurisdictions, but on our large pipeline cases we have lost about two cases per year on motions to suppress evidence).*

### Ethnicity of Stops

#### Race

**FY2001 (7/01-7/02)** 124,876 total vehicles stopped

Alaskan Native	5
Polynesian	504
Asian	1263
Pacific Islander	148
Latino	9958
Caucasian/White	84571
Black/African American	1394
American Indian	430
Middle-Eastern	344
Remainder were Other/Unknown	

**FY2002 (7/02-7/03)** 172,288 total vehicles stopped

Alaskan Native	13
Polynesian	646
Asian	2463
Pacific Islander	479

White	135556
Latino	19814
Black/African American	2711
Caucasian/White	2743
Middle-Eastern	629
American Indian	1286
Remainder were Other/Unknown	

#### Suspicion / or Probable Cause for the Stop

##### **Drug stop reason**

##### FY2001

Stop reason	
Traffic Stop	306
Other	91
Roadblock	3

##### FY2002

Traffic Stop	1359
Other	197
Roadblock	16

## **TECHNOLOGY**

Technology, and its various applications is a very high priority in the Department of Public Safety. The Utah Highway Patrol has steered in this direction for the past nine years. In 2003 we were able to equip all marked vehicles throughout the state with computers for the first time. As one of the larger departments in Utah, this was a costly and time-consuming task. Soon we will be at the point where we will have uniform collection of statistics, and the retrieval of vital information, including information related to ethnicity, will be easy and instantaneous.

The Utah Highway Patrols emphasis on technology underscores the determination to maintain a free flow of information / communication to all interested parties.

## **UHP WORKFORCE RECRUITING AND HIRING PRACTICES**

The Utah Highway Patrol places an emphasis on hiring the most qualified and respected applicants, thereby ensuring exemplary service and treatment of citizens. A stringent multi-level hiring process is in place, which treats all applicants fairly regardless of sex and ethnicity. The UHP actively strategize to make employment opportunities available to all ethnic groups in the community at large. Flyers representing these groups are distributed, and troopers representing the various ethnic groups are utilized in recruiting to insure diversity in our ranks.

During the past three years however, there was a significant period of time when a hiring freeze was implemented, due to budget constraints and involvement in the 2002 Olympics. Because of

these constraints, we have not seen as much progress in this area as would be expected.

The Department of Public Safety has established and maintained an Equal Employment Opportunity Plan. This plan was last updated January 1, 2003, and has been approved by the U.S. Department of Justice, Office for Civil Rights.

## **COMMUNITY RESOURCE AND OUTREACH**

The Utah Department of Public Safety has an aggressive outreach program in the form of our Utah Highway Patrol Citizen Academy. This program is conducted twice a year and goes for one night a week for ten weeks. The participants are a representation of minority groups, politicians, business leaders, and average citizens. The academy is a proactive attempt to educate and inform the community at large regarding our law enforcement practices, policies, and efforts to maintain a safe environment in the state of Utah. The course is very hands-on, and has participants actively engaged in decision-making scenarios, as well as the physical, emotional, and legal aspects of the job.

### **MINORITY OUTREACH**

The state of Utah has a fairly significant Hispanic population. Although current outreach efforts lag with some of the other minority groups, the Department of Public Safety has made huge strides within the Latino community.

Nearly two years ago, Ernesto "Kiko" Cornejo was hired as the Utah Department of Public Safety Minority Community Public Information Officer. The following represents some of the outreach activities the department has been involved over the last year:

### **HISPANIC/LATINO SAFETY ACTIVITIES EDUCATION PROGRAMS**

**Month:** October 2002

**Event:** "Antiviolence/Security Workshop"

**Target Audience:** 100 Hispanic parents of students attending Glendale Middle school

**Extent of involvement:** Two Utah Highway Patrol Troopers where situated at the entrance of the school. They greeted participants by handing out safety gifts for the children and parents. They also handed out Spanish brochures on the following topics:

Safe Kids, Buckle Up, Save Your Baby's Life and Five Rules to Live by when your are Riding Your Bike. The Troopers also trained Hispanic parents on child safety issues.

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**Month:** November 2002

**Event:** “A Day With Utah Hispanic Community”

**Target Audience:** Phase #1 = Community Leaders Meeting. Thirty Hispanic community leaders, police authorities and Government officials, including Chiefs of Police from different Police Departments, Commissioner Bob Flowers, Utah Attorney General, Mark Shurtleff and other government leaders. Location of this meeting: Utah Department of Public Safety.

Phase #2 = 350 individuals from the Hispanic community in an open meeting at the Mexican Civic Center, 155 South 600 West, Salt Lake City. Participants included Commissioner Bob Flowers, Park City Police Chief of Police, Immigration authorities, Salt Lake City Chief of Police Mr. Rick Dinse and eight S.L.C.P.D. police officers, West Valley Police Department and also Hispanic community leaders.

This event was entirely organized with the intent of creating a link for better communication between the Hispanic community, DPS/ Utah Highway Patrol, various police departments and state authorities. In phase #1 and phase # 2 specific topics were discussed which primarily dealt with law enforcement and safety in the Hispanic community.

**Extent of Involvement:** The extent of involvement in this event included planning and organizing the event, selecting the location, lunch, sending out invitations and press releases.

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**Month:** December 2002\_

**Event:** "Las Navidades Hispanas" or "The Hispanic Christmas"

**Target Audience:** 2,010 (Two Thousand and Ten) Hispanic children and parents.

This event was entirely organized with the intention of:

- 1.- Giving away toys and helmets to 1,250 underprivileged Hispanic children in the community. Some of the toys and helmets were donated by Utah Highway Patrol troopers and civilians.
- 2.- Participation of 2,100 children and parents from the Hispanic community. Participants viewed Spanish Public Safety Announcement films on the importance of the use of seatbelts, helmets and car-seats. It was taped for future broadcasting on local Spanish television channels.
- 3.- Emphasis on building a better relationship between Utah Highway Patrol Officers and the Utah Hispanic community.

**Extent of Involvement:** The extent of involvement in this event included planning and organizing the program, establishing the location of the program, organizing the toy campaign in conjunction with the Utah Highway Safety Office, sending invitations and press releases.

Santa was a Utah Highway Patrol Trooper who arrived on his police motorcycle. Six other Utah Highway Patrol Troopers were there to assist Santa with the distribution of toys. The DPS Choir performed Spanish Christmas carols.

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**Month:** January 2003

**Event:** Spanish and Cultural Awareness Classes for Utah State Police Officer's and State Employee's.

**Target Audience:** Sixty state of Utah troopers and state employees.

This program was entirely organized with the intent to help police officers and state employees learn Spanish, and teach them cultural awareness in an effort to create a link for better communication between the Hispanic communities, law enforcement, and other state employees.

**Extent of Involvement:** The extent of involvement for this new program included planning and organizing the classes, teaching the classes, searching for appropriate teachers and presenters, sending out invitations and press releases.

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**Month:** April 2003

**Event:** "Dia De La Seguridad Hispano De Utah" "Utah Hispanic Community Safety Day"

**Target Audience:** Phase #1 = 540 Spanish students from Glendale Middle School.

This program was entirely organized with the intention of filming public safety announcements in Spanish, and also to help Hispanic students to understand the importance of using seat belts, car seats and helmets. The students took the messages home and shared it with their parents and other Spanish speaking relatives.

These Spanish television public safety announcements where distributed to the three Utah Hispanic television stations for to air as community public service announcements.

**Extent of Involvement:** The extent of involvement in this event included planning and organizing the event with Glendale Middle School and Utah Highway Safety Office. Filming / editing the Spanish public safety announcements, searching for helmets and car seats to be donated to the program. A press release was sent to the media the day of the event.

Phase #2 = Evening event (same as above)

**Target Audience:** Approximately 600 Hispanic children and parents met together in a community safety educational meeting at the Mexican Civic Center in Salt Lake City.

This program was entirely organized with the intent of teaching Hispanic families the importance of using car seats, seat belts, and helmets. For phase II we invited Utah Valley Health, Salt Lake City Police Department, West Valley City Police Department. Helmets and car seats were given away, and a car seat presentation and car seat check-point was conducted by Utah Highway Patrol Troopers.

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**Month:** May 2003

**Event:** Information and Educational Booth at the CINCO DE MAYO celebrations organized by the Mexican Consulate in Salt Lake City.

**Target Audience:** Approximately 5,000 people from the Hispanic community.

An information and education booth organized by the Utah Highway Patrol was intended to give safety education to the Utah Hispanic community. Education consisted of: Car seats, seat belts, D.U.I. / aggressive driver, domestic violence, drug abuse programs, crime prevention programs and more. During this event a community program was filmed for an educational program at Telemundo, the local Spanish television station.

An additional information booth conducted by Utah Highway Patrol troopers was set up at the Cinco De Mayo celebrations, organized by the Mexican Civic Center in Salt Lake City.

**Target Audience:** Approximately 3,000 participants from the Hispanic community.

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**Month:** July 2003

**Event:** Utah Hispanic American Festival information and educational booth with Utah Highway Patrol officer's.

**Target Audience:** Approximately 3,500 people from the Hispanic community.

This program was entirely organized with the intention of giving information to the Utah Hispanic community who attended the Utah Hispanic American function at Franklin Covey Field, 1300 South West Temple in Salt Lake City. Dates for the activity were as follows: Friday, July 11, 2003 from 5:00 P.M. until 9:00 P.M. and Saturday, July 12, from 2:00 P.M. until 6:00 P.M. The education surrounded car seat safety, seat belts, D.U.I., domestic violence, aggressive driving and other highway safety / law enforcement issues.

Additionally, on Saturday, July 12, at the same event, a thirty minute educational program was filmed for the Telemundo, Spanish television station. This program included the participation of Utah Highway Patrol Trooper Moreno, and targeted specific education about aggressive driving and the importance of community participation to ensure a safe environment for our families.



**Extent of Involvement:** Involvement in this event included planning and organizing, coordination with the Utah Highway Safety Office, and negotiating the donation of helmets, car seats, and other material to give away.

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**Month:** August 2003

**Event:** First Annual Conference on Latino Health and Safety Issues.  
 “Building Cultural Competence in a Diverse Society”

**Target Audience:** Approximately 200 community leaders.

This program was entirely organized with the intention of giving information to the Utah Hispanic community leaders who attended the three-day conference. Information given included: health, highway safety, car seats, aggressive driving, and D.U.I. Other topics included drug use, court monitoring programs, rave parties, gangs, and internet pornography

The conference was conducted on the following dates:

Pre-conference activity: West Jordan Park, Saturday, August 16, from 2:00 P.M. till 6:00 P.M. With the participation of Utah Highway Patrol troopers, Hispanic children were educated about the importance of using bicycle helmets. One hundred helmets were distributed to children. The helmets were donated by the Utah Highway Safety Office and the Salt Lake Valley Health Department.

Conference. Hotel Sheraton, Salt Lake, Monday, August 18th and Tuesday the 19th from 8:00 A.M. till 5:00 P.M.

***This three-day conference was supported by the following organizations:***

Utah Department of Public Safety/ Utah Highway Safety Office, United States Department of Transportation, Senator Orrin G. Hatch's Office, Utah Attorney General's Office, US Attorney General's Office, (Attorney Paul Warner), Salt Lake City Police Department, Modesto Police Department, Park City Police Department, Utah Domestic Violence Council, Governor's Hispanic Affairs Office, and the City of Salt Lake.

**Extent of Involvement:** Involvement in this event included planning and organizing, negotiating with the Sheraton Hotel, researching costs, sending invitations/ flyers, obtaining bike helmets and other material for pre-conference activities at West Jordan Park.

***Conference Keynote Speakers:***

Mr. Paul Warner, US attorney, and Mrs. Gina Espinosa Salcedo, Regional Program Manager, NHTSA Region VII.

***Conference Award Presentation Speakers:***

Commissioner Bob Flowers, Utah Department of Public Safety

Chief Rick Dinse, Salt Lake City Police Department

Mayor Rocky Anderson, The City of Salt Lake

***Special Award Presentation by:*** Olene Walker, Lieutenant Governor ( Present Governor)

***Video Message:*** Senator Orrin G. Hatch.

**Conclusion**

Criminal interdiction in the state of Utah and across the nation is ever changing. As an organization we have realized the importance of ongoing training for not only our special teams, but for troopers across the state in order to stay abreast of case law and proper technique. The use of technology, although not completely perfected at the present time, is also a tremendous tool for monitoring our activity in the field, and represents a proactive method for ensuring that constitutional rights are honored.

Although complaints in the area of racial profiling against the UHP are almost non-existent, and the few that have been investigated have proved to be not related to race issues at all, the Utah Highway Patrol has taken an aggressive stance against drug traffickers and an even more aggressive approach to ensure that our troopers stay within prescribed boundaries. Our effort to train troopers has created a continuity of procedure which has enhanced our professionalism and sensitivity towards all groups, including minorities.

The committee on Racial and Ethnical Fairness made several suggestions for enhancing the way DPS and other law enforcement agencies do business:

1. Establish and maintain Equal Opportunity Plans
2. Enhance minority recruitment efforts
3. Review the current complaint process
4. Strive to maintain partnerships with various community groups

As an organization, the Department of Public Safety/Utah Highway Patrol has made significant progress in all these areas. We have strived to reach out to the community at large through various programs aimed at racial and ethnic diversity, and intend to expand those programs in the future. Although we are not experiencing a racial profiling problem at the present time, the Utah Department of Public Safety/Utah Highway Patrol serves as a model for many other law enforcement agencies who are proactive and motivated to develop their own criminal interdiction teams, and who are not reluctant to conduct their day-to-day business in an open and transparent manner.

**Division of Youth Corrections  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**WORKFORCE: RECRUITMENT/HIRING**

- 1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.***

Implementation Status: **Completed and Enacted into Policy**

The Division, as an agency of the State of Utah maintains an Equal Employment Opportunity Plan. The State of Utah, through the Division of Human Resource Management has a plan.

- 4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.***

Implementation Status: **Ongoing**

The Division has an excellent record of recruitment in minority communities, and, does have a representative pool of minority employees. The Division takes pride in the fact that the employee pool, including administration and management is reflective of the larger community, (see attachment).

- 11. *The Juvenile Courts and the Division of Youth Corrections, including their contract service providers, should establish policies and practices to increase their ability to recruit minority applicants.***

Implementation Status: **In Progress**

The Division will work towards rating and reviews that credit the efforts of its contract agencies. The Division will insert in language in regarding cultural competency in its upcoming Request for Proposals (RFP) release.

**COMMUNITY RESOURCES/OUTREACH**

- 3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:***
- \* law enforcement complaint process,***
  - \* judicial complaint process,***
  - \* other employee complaint process,***
  - \* annual report on minority bar, and***
  - \* web site information on minority bar and judges, to include tribal courts.***

Implementation Status: **Completed in part and ongoing**

The Division has complaint processes for youth in custody, constituents, and employees:

- 1) Youth are given program and agency rules, (including limits on rules). If youth feel they are mistreated there is a formalized grievance system leading up to an administrative hearing before an independent hearing officer.
- 2) Any citizen may file a complaint with the Division. Complaints may be resolved at the local, or state level.
- 3) Employees may issue complaints pursuant to Human Resources policy. The complaint process may go through the State system, through UALD, or in protected class matters, may be filed directly with the Federal Courts.

The Division enhances public trust and confidence with an active speakers bureau. Throughout the course of a year, Division employees speak to schools, civic groups, media, or other community groups.

8. ***Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.***

Implementation Status: **Ongoing**

The Division maintains ongoing partnerships with community institutions by various means including: Staff who are actively involved with local and grass roots level community groups. In addition, Division staff and youth are involved in many and numerous community service projects.

Examples of projects: The Genesis work program does maintenance and grounds work at "This is the Place" monument, and the Veterans Cemetery. Other work crews do public works projects such as trail building at Antelope Island.

## **ADMINISTRATION**

1. **Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of crimes, and to report complaints about handling of their cases.**

Implementation Status: **(Commission Recommendation)**

This is outside the arena of the Division of Youth Corrections and should be addressed by the Commission, as a whole.

18. ***Juvenile justice system services should be provided to the entire family to insure that family issues that may contribute to delinquent behavior are addressed as well as those of the minor.***

Implementation Status: **Ongoing**

The Division embraces this philosophy. During the last fiscal year alone over 69,000 hours of family therapy were delivered and paid for on a contract basis. Services are provided to an overwhelming majority of families-however, not all families benefit from this, and therefore, some youth are prepared for independent living.

22. ***The Division of Youth Corrections should include cultural competency as one criteria in its review of contract treatment programs. The ability to serve clients and families whose first language is not English should also be considered.***

Implementation Status: **Ongoing**

The Division utilizes culturally competent contractors as a means of delivering the aforementioned services. Currently the Division has several contracts for service with providers who deliver culturally competent services. However, the Division also acknowledges some weaknesses in this

system, and will attempt to recruit a larger pool at the time of the next request for proposals. There are geographic limitations on the availability of providers. The only solution is to insure that those qualified programs to receive the right youth for placement.

23. *Treatment programs need to improve their content to recognize that cultural and ethnic differences exist and adjust the program content to better serve the needs of all clients served. Culturally and ethnically appropriate mentor programs should be designed and implemented.*

**Implementation Status: In Progress and Ongoing**

The Division supports this recommendation while acknowledging weakness in some of the contract treatment programs, and will attempt to bolster this service area in contracting. At the same time, the Division again, notes that its internal programs are designed and run by a diverse staff. Improvements in this category are again, pending the release of new RFP's.

**DATA**

1. *The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.*

**Implementation Status: (Juvenile Court Recommendation)**

Crime victim data is the purview of the Juvenile Court through the Juvenile Information System.

10. *Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.*

**Implementation Status: On hold- lack of resources**

The Division has experimented with employee exit interviews, but as of yet, has not adopted a formal process for assessing fairness in the work environment. Unfortunately, cutbacks in operational budgets have put this effort on hold.

17. *The Division of Youth Corrections should collect socio-economic data in its database in order to facilitate a future examination of the relationship of social class to custody issues.*

**Implementation Status: In progress**

Pending the completion of the new data system, the Division will make efforts to collect this data. The new Juvenile Court information system, (CARE), is still in the testing stage. However, the CCJJ has indicated an interest in conducting this research.

## **RESEARCH**

1. *The criminal and juvenile justice system should implement management information systems that produce information that captures "what works" predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.*

Implementation Status: **In progress**

The Division is just launching several new initiatives aimed at improving the justice system. Included in the new efforts are a) risk assessment, b) graduated sanctions, c) a balanced approach methodology, and d) program evaluation. These initiatives will allow for more precise measurement into "what works".

These initiatives are still in the "growing pain" stage. The training and gearing up of these initiatives continues. However, this will probably delay any meaningful results and analysis for approximately 2 years.

17. *The Juvenile Courts, the Department of Child and Family Services, and the Division of Youth Corrections should jointly examine the relationship between custody and socio-economic status. Specifically, the research should attempt to establish if a relationship exists between income level and custody decisions.*

Implementation Status: **(CCJJ Recommendation)**

This again, is a project that CCJJ will undertake.

18. *The Juvenile Courts and the Division of Youth Corrections should conduct qualitative reviews involving youth who successfully exit the system.*

Implementation Status: **In progress**

The Division agrees, and will attempt to get this into its research agenda this year. Because of delays in the introduction of Division initiatives, no qualitative research has yet been undertaken.

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## Race, Gender, and Job Type Division of Youth Corrections Staff

Ethnicity	Job Type								
	Administrative			Service Delivery			Support		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Caucasian	76 57.1%	36 27.0%	112 84.1%	264 42.9%	185 30.1%	449 73.0%	15 14.0%	89 69.2%	89 83.2%
Other	19	3	21	115	51	166	7	11	18



	14.3%	1.6%	15.9%	18.7%	8.3%	27.0	6.5%	10.3%	16.8%
<b>Total</b>	<b>95</b> 71.4%	<b>38</b> 28.6%	<b>133</b> 100%	<b>379</b> 61.6%	<b>236</b> 38.4%	<b>615</b> 100%	<b>22</b> 20.5%	<b>85</b> 79.5%	<b>107</b> 100%

### Total Division Staff

<b>Ethnicity</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Caucasian</b>	<b>355</b> 41.5%	<b>295</b> 34.5%	<b>650</b> 76.0%
<b>Other</b>	<b>141</b> 16.5%	<b>64</b> 7.5%	<b>205</b> 24.0%
<b>Total</b>	<b>496</b> 58.0%	<b>359</b> 42.0%	<b>855</b> 100%

## Peace Officer Standards and Training (“POST”) Response to Recommendations of Task Force on Racial and Ethnic Fairness

*Peace Officer Standards and Training (“POST”) is a unique law enforcement agency in several respects. Although POST’s daily operations are executed by sworn peace officers of the Utah Department of Public Safety, POST programs and activities are governed by the POST Council. The Council consists of at-large members appointed by the Governor, elected mayors and county commissioners, and state, federal and local law enforcement executives. POST is also different from other law enforcement agencies because our direct clients are police and sheriffs’ departments. POST does not select the cadets that it trains; rather, they are sent to POST by a wide variety of law enforcement agencies throughout Utah. Although POST may influence many officers, POST officers have little direct contact with the public. Accordingly, POST may only influence and persuade for adoption of many of the recommendations.*

### WORKFORCE: RECRUITMENT/HIRING

- Agencies in the State of Utah should establish and maintain Equal Employment Opportunity Plans.***

Implementation Status: **Completed and Enacted into Policy**

POST participates in the EEO plan of the Department of Public Safety.

6. *Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.*

Implementation Status: **Ongoing**

POST endeavors to recruit training staff, both full-time, in-house POST staff and adjunct instructors, that reflect the diversity of the State of Utah. POST is limited in recruiting from a limited pool of highly qualified officers with significant law enforcement work experience and formal education. POST has consistently worked toward a diverse support staff and enjoys diversity in its technical (non-sworn) staff. Through the Police Corps program, a component of POST, we aggressively recruit candidates with college degrees among women and minority communities.

Additionally, the Commission recruitment subcommittee has formed a group of twenty law enforcement representatives. A statewide request to all law enforcement agencies has also been made for additional representatives. The law enforcement group is working to develop recruiting strategies for law enforcement in Utah. Some of the ideas that have been suggested to date are billboards with specific minority groups and gender differences in uniform.

The exciting part about the recruitment subcommittee is that so many very talented individuals are coming to the table to discuss the opportunities for recruitment and willingness to develop plans for better recruitment.

7. *Peace Officer Standards and Training (POST) and law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.*

Implementation Status: **Recommendation is being considered**

The cadets trained at POST are selected by a variety of city, county and state law enforcement agencies. POST has no formal role in selecting a cadet applicant, other than assuring that statutory requirements are met. POST uses peer evaluations and staff evaluations to alert law enforcement agencies to potential biases. On occasion, POST's evaluations have been the genesis of dismissal of cadets for improper behaviors motivated by bias.

There have been some discussions with psychological groups to determine if a tool could be created. In addition to this tool polygraph examinations are being given on a more frequent basis that may apply.

Through the Department of Natural Resources, a tool has been created for determining the candidates' qualifications for that particular employment. POST has inquired about additions to the testing process that would allow a predisposition for racial and ethnic bias. POST has suggested that agencies use a polygraph with questions that would help determine the bias of a particular candidate.

8. *The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.*

Implementation Status: **See # 2 above.**

### **TRAINING**

- 1a. *Peace Officer Standards and Training (POST) certified officers should be required to complete a minimum of four (4) hours per year of diversity training, as part of its forty hour (40) continuing education requirement.*

Implementation Status: **Ongoing**

POST recognizes the importance of continuing cultural competence education. To this end, POST offers high quality in-service training in 4 and 8 hour segments to law enforcement agencies. Individual law enforcement agency executives have discretion to determine the annual in-service curriculum, limited by statutory mandates. POST encourages agencies to sponsor cultural competence and related training, but is not in a position to mandate such curriculum.

Refer to the Chiefs of Police update especially around the bias-based policing training module. We feel like the direction from the Chiefs Association and also those other individual agencies that may participate in this model have been well received and continues to be taught around the state. We do not have exact numbers of officers that have been trained in cultural competency. However, POST is offering more classes across the state than has been offered before and agencies, individually, for their in-service hours communicate much more on a regular basis about potential problems that exist in their communities.

- 1b. *Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as:*
- *Race Versus Culture*
  - *Hate Groups and Hate Crimes*
  - *Gender as a Unique Cultural Heritage*
  - *Domestic Violence Training*
  - *Sexual Harassment on the Force*
  - *Rape Survivor Awareness*
  - *Understanding One's Own Biases*

- ***Consequences for Racial Bias on the Job: Can I Be Sued?***

Implementation Status: **Ongoing**

POST's new Cultural Competence curriculum is highly regarded by professional trainers and well-received by cadets. The foregoing areas are discussed in the curriculum, and are also addressed in the following courses: Domestic Violence, Peace Officer Liability, Victimology, Sex Crimes. Over the past year we have selected additional instructors that would accommodate the above-mentioned variety of lesson topics.

- 1c. Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.***

Implementation Status: **Completed in part and ongoing**

POST has created a new curriculum employing adult learning principles and many interactive exercises. POST assisted in the development of the Utah Multi-Agency Cultural Competence Curriculum. All POST cultural competence instructors are required to complete the UMACCC Train the Trainer. In addition, POST has an in-house trainer qualified to train others to present the Cultural Competence curriculum.

The issue concerning profiling has been a very complicated topic for law enforcement and much discussion has occurred concerning law enforcement's responsibility in the area of profiling.

- 2a. Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.***

Implementation Status: **(Chiefs' and Sheriffs' Recommendation)**

POST does not direct or influence the program of the chiefs' and sheriffs' conferences.

- 2b. Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.***

Implementation Status: **(Chiefs' and Sheriffs' Recommendation)**

POST cannot mandate an agency's in-service training; nonetheless, POST is presently able to support agencies wishing to implement management and line in-service training by providing instructors and curriculum.

Through the dialogue and participation from POST with the Utah Chiefs and Utah Sheriffs Associations, there has been considerable dialogue in reference to racial profiling, racial and

ethnic fairness, and curriculums for officers and the appropriate responses from law enforcement to community problems in the areas of the complaints and citizens' interaction. POST continues to encourage agencies to look at their policies and especially train administrators in the areas of cultural competency and management of the various ethnic groups in their individual jurisdictions.

## **INTERPRETATION**

5. *All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:*
- *development of minimal interpreter standards,*
  - *utilization of the AT&T Language Line*
  - *language training opportunities for law enforcement, including tuition awards and in-house training, and*
  - *use of volunteers to provide assistance with both knowledge of language and culture*

Implementation Status: **Ongoing**

POST has recently proposed a doubling of the hours in the Spanish language curriculum. POST is not involved in individual agency decisions concerning translation strategies. Although, through the work of the Utah Chiefs of Police Association, there has been an interpretive service set up for all Police and Sheriffs Departments across the state. This is a resource that, by one phone call, a pool of interpreters may be accessed especially for officers in the field and also for other communication links or opportunities as the Chiefs and Sheriffs need services.

## **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
- *law enforcement complaint process,*
  - *judicial complaint process,*
  - *other employee complaint process,*
  - *annual report on minority bar, and*
  - *web site information on minority bar and judges, to include tribal courts.*

Implementation Status: **Ongoing**

POST is open to school group tours, and often hosts high schools students in government and criminal justice classes. Staff members use these opportunities to address recruiting issues. As a part of the Department of Public Safety, POST supports the DPS minority recruiting effort by providing testing, counseling and physical fitness training to prospective DPS recruits.

A continued effort exists through the Department of Public Safety on minority recruiting. Several

officers are attempting to influence individuals in their communities from ethnic groups to access the employment process for law enforcement. In a couple of areas, for instance, Tooele County officers are being recruited for law enforcement, not just in the Department of Public Safety, but also through Tooele County and Tooele City Police Departments as new recruits. Police Corps continues to reach out to diverse groups and access those new recruits in the training environment. The Recruiting subcommittee has also suggested a stronger effort by School Resource Officers. Law enforcement's influence on high school and even middle school will hopefully provide opportunities for younger students to consider law enforcement as a profession.

8. ***Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.***

Implementation Status: **Ongoing**

POST's client base is comprised of the law enforcement agencies of the state. POST supports agencies in their community policing and community outreach efforts by providing appropriate training. Additionally, POST staff serve individually in many community organizations.

One of the unfolding activities that is occurring is through the Western Community Policing Center, which is a federally funded resource to several of the western states; Utah is included. Kathy Hyde represents Utah on that committee and she has set up a subcommittee for community policing that several agencies are responding to and participating in. Part of these training opportunities will access the Western Community Policing Center's resource. The Center is also developing a program in Utah for a Native American or Indian Youth Academy which will help young individuals look at law enforcement, look at their community and potentially be influenced by the association with law enforcement and community leaders.

## **COMPLAINT PROCESSES**

8. ***At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.***

Implementation Status: **In process**

It has been recommended through the Chiefs and Sheriffs Associations that they proceed with a complaint process review that is written in each organization. In addition, the Utah Chiefs Association is proceeding to look at an accreditation process. One of the components of the accreditation would be to have a written policy that reflects the agency's response to complaints from citizens. Many of the Sheriffs will also participate in this accreditation responsibility.

Through POST Council, POST has also recommended agencies access their own national counterparts in the National Sheriffs Association and also the International Association of Chiefs of Police who may have model policies relating to this area that they could utilize or adopt for their individual responsibilities.

9. *The Peace Officer Standards and Training (POST) Council should establish a model complaint process for law enforcement agencies. The POST Council should take into account the following issues:*
- A. *Every law enforcement agency should have a Citizen's Review Board or a similar review process that investigates allegations of excessive force and other allegations of substantial civil rights violations. This review board should represent a cross section of the community not employed by law enforcement.*
  - B. *Every law enforcement agency should complete the review of the complainant's investigation within a reasonable time period and include a written response with supporting testimony or documents to justify the law enforcement agency's actions or inactions.*
  - C. *Every law enforcement agency should allow a complainant to file a law enforcement abuse complaint via the telephone.*
  - D. *Law enforcement agencies should accept anonymous complaints and should include a procedure informing anonymous complainants of the limits of investigations that are inherent to anonymous complaints.*
  - E. *Law enforcement agencies should allow the complainant to review, for verification of accuracy, a copy of his/her testimony.*
  - F. *Every law enforcement agency should have the complaint reviewed by the officer's supervisor and by someone other than the officer's immediate supervisor.*
  - G. *Every law enforcement agency should list general categories of common complaints (ie. verbal, physical, harassment, action conducted by the law enforcement officer) on the complaint process form.*
  - H. *Law enforcement agencies should work to instill public confidence in the review process by keeping the public informed as to the total numbers and types of complaints filed per year, the types of dispositions on those complaints, as well as information about the complaint process itself.*
  - I. *Literature describing the complaint process, the complainant's rights to appeal, and the consequences for filing false complaints should be printed in English as well as other languages, and should be available at law enforcement agencies in plain view.*

Implementation Status: **Process in place**

POST has a complaint and investigation process, entirely independent of any law enforcement agency's complaint process. POST works with individual agencies in investigating complaints of bias and other wrongful conduct. POST provides an extensive training course for agencies in the processing and investigation of complaints against officers. POST requires successful completion of this course prior to granting POST Mid-Management Certification to a supervisor or supervisor candidate. In the event that an agency shirks its duty to investigate and act in cases of alleged bias, POST exercises its independent authority to investigate and, where appropriate, take independent disciplinary action.

We have found that there have only been a couple of requests for POST to consider allegations relative to officer's conduct in the field. In each of those cases the responses have been to send it back to the agency of which the officer was involved to allow them to conduct an investigation internally. There have been no investigations that have come back to POST relative to officers profiling or improper conduct related to ethnicity. We feel that in almost all circumstances proper resolution of complaints can be made and accomplished at the local level with each individual agency. This said, however, we feel at POST there is significant progress still to be made in the training and the resources available for agencies and citizens to get the final resolution of perceived or actual problems that exist between officers, agencies and the communities they serve.

## **ADMINISTRATION**

1. ***Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.***

### **Implementation Status: (Commission Recommendation)**

Hate Crime legislation is continuing to be a problem for passage. Various concerns have not made it easy to pass in previous legislative sessions.

2. ***Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.***

### **Implementation Status: Addressed**

Administrators and Directors across the State, have no tolerance of officer's conduct relating to policing solely on race or ethnicity. Law Enforcement Administrators are very willing to discipline if conduct arises in this area that is improper.

3. ***Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration***



*of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.*

**Implementation Status: Model Policy Exists**

POST participated in the extensive efforts of the Law Enforcement Legislative Coordinating Committee to pass legislation addressing racial profiling. POST has also assisted in drafting and presenting a model racial profiling policy for all Utah law enforcement agencies. Presently, POST has proposed a 2 hour course in Basic Training, and a 4 hour course in In-Service Training, addressing racial profiling. This course is entitled “Lawful Traffic Stops” and qualified presenters are being trained through a cooperative effort with the Chiefs of Police Association.

**DATA**

1. *Law enforcement agencies should keep not only accurate, but readily compilable, accessible and reviewable racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (ie. gang-related stops, traffic violations).*

**Implementation Status: Process in place**

Currently there is a racial profiling piece of legislation passing through the Utah Legislature. Much discussion has been made from the Chiefs and Sheriffs and Public Safety concerning this legislation and as it unfolds, law enforcement will follow the dictates of the Legislature in this area. In addition, several agencies, including the Department of Public Safety, Highway Patrol, response is that much data has been received and documented concerning stops and the identification of various classes of individuals and the reason for stop and the consequence of that stop. We’re encouraged about the level of enthusiasm about individual agencies participating and identifying those areas that they can document and are willing to do so. The other problems that exist are in that officers are required to list their status and the reason for stop and the individuals stopped do not have the obligation to identify themselves. So in many ways the officer may have to guess the ethnicity of the individual being stopped.

2. *The Utah Department of Public Safety should modify and improve the Bureau of Criminal Investigation database. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The Utah Sheriffs’ Association, the Utah Chiefs of Police Association, Peace Officer Standards and Training (POST), and the Bureau of Criminal Investigation should give strong support for maintaining a statewide, standardized law enforcement software which would consistently report crime and arrest information. These organizations should seek complete and regular reporting from all law enforcement agencies in the state.*

**Implementation Status: (Dept Public Safety Recommendation)**

POST supports the efforts of the Department of Public Safety, Bureau of Criminal Identification to provide appropriate data for analysis of complaints and allegations of profiling. POST is not

directly involved with this type of data collection and analysis.

## **RESEARCH**

Response: POST encourages its staff to increase their awareness of current research. Key staff members participate in community and professional committees and boards to ensure that POST is kept current on developments and trends in the community and profession. Particular emphasis is placed on currency in cultural competence and community policing. However, POST does not currently have research and analysis missions.

### **Utah Sentencing Commission Response to Recommendations of Task Force on Racial and Ethnic Fairness**

## **WORKFORCE: RECRUITMENT/HIRING**

1. *Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.*

Implementation Status: **(See CCJJ Response)**

Because the Utah Sentencing Commission is housed within the Utah Commission on Criminal and Juvenile Justice (CCJJ), this recommendation will be addressed by CCJJ.

4. *The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.*

Implementation Status: **Ongoing**

The Sentencing Commission generally does not participate in the recruitment of judges or other legal professionals. However, the Sentencing Commission (as part of the Commission on

Criminal and Juvenile Justice for administrative support) enlists the help of the Multi-Cultural Legal Center when it hires in-house legal professionals. The Multi-Cultural Legal Center assists in spreading word of positions within CCJJ to minority applicants. This assistance has been helpful in recruiting qualified minority applicants.

### **TRAINING**

None directed to Sentencing Commission.

### **INTERPRETATION**

None directed to Sentencing Commission.

### **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include: law enforcement complaint process, judicial complaint process, other employee complaint process, annual report on minority bar, and web site information on minority bar and judges, to include tribal courts.*

Implementation Status: **(See CCJJ Response)**

This recommendation will be addressed by the Commission on Criminal and Juvenile Justice.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.*

Implementation Status: **Ongoing**

The Sentencing Commission meets with community councils, citizen task forces, victims groups, penal reform groups, political groups, and various other groups in order to make presentations and receive input. Efforts to establish and maintain partnerships with community groups are also furthered by the diverse membership of the Sentencing Commission. By statute, the Governor appoints one member to the Sentencing Commission who “exhibits sensitivity to the ethnic composition of the population.” This is a critical perspective.

### **COMPLAINT PROCESSES**

None directed to Sentencing Commission.

### **ADMINISTRATION**

1. *Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.*

Implementation Status: **Addressed in part (Commission Recommendation)**

This recommendation should be addressed by the Commission, as a whole. For over three years, the Sentencing Commission was in the forefront on this issue, conducting legal and policy research on hate crimes, recommending hate crimes legislation, and actively advocating that legislation during the 2000 and 2001 General Sessions. During that time, Sentencing Commission members and staff also met with groups and individuals to respond to questions concerning hate crimes and hate crimes legislation. Following the 2001 General Session, the Sentencing Commission decided it would continue to support the concept of hate crimes legislation, but would not recommend and actively advocate a particular hate crimes bill as it had previously done. This decision was made to allow the Sentencing Commission to focus on several other issues which had been neglected in prior years due, in part, to the emphasis placed on hate crimes legislation. However, the Sentencing Commission continues to act as a resource for information on hate crimes by meeting with legislators and interested groups and individuals. Sentencing Commission staff provided assistance to several legislators during the 2003 General Session in areas of hate crimes research and drafting hate crimes legislation.

**DATA**

None directed to Sentencing Commission.

**RESEARCH**

1. *The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender’s family.*

Implementation Status: **(See CCJJ Response)**

This recommendation will be addressed by the Commission on Criminal and Juvenile Justice.

16. *The Utah Sentencing Commission should conduct an experiment involving the question of aggravating and mitigating circumstances both in the adult and juvenile justice systems. For example, conduct a “blind” review of recommendations where social information that would identify or suggest the client’s ethnicity is deleted in a matched set of minority and non-minority clients. The research should also examine the extent to which chronicity scores contribute to minority overrepresentation. This study would provide an opportunity to see if and how subtle bias creeps into case processing, particularly in the areas of preparing sentencing and placement recommendations.*

Implementation Status: **Completed in part**

In April 2003, Sentencing Commission staff presented a study entitled Race and Juvenile Sentencing in Utah to the Commission on Racial and Ethnic Fairness. The study used the Juvenile Sentencing Guidelines to compare outcomes for minority and non-minority offenders by evaluating rates at which sentences were aggravated or mitigated from the sentences recommended by the Guidelines. This was accomplished by analyzing sentencing data gathered by the Juvenile Court during calendar years 1999 and 2000. The study revealed that after modestly controlling for offense history and severity of current offense, minority offenders were more likely to receive aggravated sentences than non-minority offenders and less likely to receive mitigated sentences than non-minority offenders.

This study also addressed the use of aggravating and mitigating factors in juvenile court. In every instance where significant differences were found in the use of aggravating and mitigating factors among minorities and non-minorities, the difference were to the detriment of the minority offenders and to the benefit of non-minority offenders. In other words, minority offenders were more likely to receive aggravating factors and less likely to receive mitigating factors.

The findings on aggravating and mitigating factors may help explain the findings regarding differences in sentencing between minority and non-minority offenders or may further exacerbate the problem, depending on the way the data is interpreted. The Sentencing Commission is currently revising the list of aggravating and mitigating factors to help ensure that the factors themselves are not racially biased.

The existence of electronic data on aggravating and mitigating factors in the juvenile system made this analysis much easier than a similar analysis of the adult system. Because there is no electronic data on aggravating and mitigating factors in the adult system and no electronic data on aggravation and mitigation rates in sentencing, that analysis will involve a manual search through case files. Before embarking on such a time and labor intensive project, the Sentencing Commission wishes to learn how the Race and Juvenile Sentencing in Utah study has been helpful in the juvenile system.

19. *The Utah Sentencing Commission should evaluate the application of aggravating and mitigating factors in sentencing, as opposed to the use of "strength-based" and "risk-focused" models, to determine if racial and ethnic bias occurs in that application.*

Implementation Status: **In progress**

During preliminary discussions on this issue, members of the Juvenile Justice Subcommittee of the Sentencing Commission have expressed concern with a risk-focused sentencing model. While risk factors other than delinquency history are certainly appropriate in determining which services should be provided to a particular defendant once a sentence has been imposed, there is a question about their validity and fairness in the sentencing process. Thus, the Sentencing Commission continues to focus on appropriate aggravating and mitigating factors.

As mentioned previously, the Sentencing Commission, through its Juvenile Justice Subcommittee, is currently revising the aggravating and mitigating factors in the Juvenile Sentencing Guidelines. Results from the Race and Juvenile Sentencing in Utah study provide valuable information regarding which aggravating and mitigating factors are being disproportionately applied to minority offenders and non-minority offenders. This will assist the Sentencing Commission in crafting appropriate factors.

## Utah Sheriffs Association Response to Recommendations of Task Force on Racial and Ethnic Fairness

### **WORKFORCE: RECRUITMENT/HIRING**

1. *Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans*

Implementation Status: **On going**

In 2003, we determined that twenty (20) of the twenty-nine counties have a written EEOP and guidelines. State law determines level of personnel or Human Resource function required of counties (rural vs. urban). We have not had any additional response other than original 20 counties. We will place this item on the agenda for a Sheriffs Association Business Meeting in April 2004 to discuss the status of this recommendation.

2. *Law enforcement agencies and Peace Officer Standards and Training (POST) should make efforts to have a workforce that is reflective of the diversity of the population they serve (including racial, ethnic, cultural, and language diversity). Recruitment efforts should target local high schools, community colleges, ethnic community organizations and ethnic media to encourage minority youth into law enforcement careers.*

Implementation Status: **On going**

For most counties, this is a goal. Various counties indicate a range of recruitment efforts, which include:

- School Resource Officers in elementary, middle, and high schools
- Presentations to ethnic groups
- Explorer POSTS

Utah Sheriffs Association attends job fairs and recruitment opportunities at various campus sites around the inter-mountain west on behalf of all Utah Counties.

3. ***Peace Officer Standards and Training (POST) and law enforcement agencies should adopt a proven evaluation instrument that can help screen all applicants for predisposition towards racial or ethnic biased behaviors. The tool should be an indicator of possible future job performance and not simply a measure of personal beliefs.***

Implementation Status: **On hold for lack of resources**

Most counties currently do not have easy access to this resource. Cost is a prime consideration for most sheriffs. Most reliable instruments, raters, etc., are often found from out-of-state vendors. All counties perform a background investigation of recruits. They differ in scope and depth. A few counties use a psychological profile or character trait assessment instrument. State Law allows access to performance records from prior employees and allows screening out of applicants with a history biased behavior.

## **TRAINING**

- 1a. ***Peace Officer Standards and Training (POST) certified officers should be required to complete a minimum of four (4) hours per year of diversity training, as part of its forty hour (40) continuing education requirement.***

Implementation Status: **(POST recommendation)**

While this is not directed towards the Sheriffs' Association, the Sheriffs' Association can and will provide substantial support toward completion of this goal through exercising its numerous votes on POST's governing council, and through mandating participation in presently available training for Sheriffs' deputies.

- 1b. ***Law enforcement diversity training should be non-repetitive and offer a variety of lesson plans throughout the year, such as:***
  - ***Race Versus Culture***
  - ***Hate Groups and Hate Crimes***
  - ***Gender as a Unique Cultural Heritage***
  - ***Domestic Violence Training***
  - ***Sexual Harassment on the Force***
  - ***Rape Survivor Awareness***
  - ***Understanding One's Own Biases***
  - ***Consequences for Racial Bias on the Job: Can I Be Sued?***

Implementation Status: **(POST recommendation)**

Again while this is a work in progress and not directed towards the Sheriffs' Association, the

association can and will provide substantial support toward completion of this goal through exercising its numerous votes on POST's governing council, and through mandating participation in presently available training for Sheriffs' deputies.

- 1c. Cultural diversity training should address the specific needs of law enforcement. This training should focus on cultural competency, not only awareness and sensitivity. It should provide opportunities for various ethnic groups to teach officers about the culture. The Utah Chiefs of Police Association, Utah Sheriffs Association, and Peace Officer Standards and Training (POST), should create a curriculum for law enforcement.***

Implementation Status: **On going**

The Sheriffs' Association fully supported the inclusion of new cultural competence training in the POST Basic Training Curriculum in 2001. The Sheriffs' Association can provide substantial support toward completion of this goal mandating participation in presently available training for Sheriffs' deputies.

- 2a. Upcoming annual conferences for chiefs and sheriffs should have diversity issues as a main focus.***

Implementation Status: **In Progress**

The Sheriff's Conferences each September address diversity issues. There are efforts in process to create a "Command College" with Utah Chiefs and Sheriffs along with allied state agencies that would provide diversity training to law enforcement leaders.

- 2b. Administrative personnel, including chiefs and sheriffs, should be required to complete additional training, at least yearly, regarding issues related to managing a diverse workforce.***

Implementation Status: Past Sheriffs conference (September 2001) had a "workforce diversity track" for managers. The 2004 Conference will have a similar track.

## **INTERPRETATION**

- 1. All law enforcement agencies should ensure effective interpreter services at arrest, booking, and at the complaint process. Strategies should include:***
- development of minimal interpreter standards,***
  - utilization of the AT&T Language Line***
  - language training opportunities for law enforcement, including tuition awards and in-house training, and***
  - use of volunteers to provide assistance with both knowledge of language and culture***



Implementation Status: **Mechanism in Place**

The Interpreter services at arrest, booking and at the complaint process are:

Arrest—this will be the most difficult to accomplish statewide in a time sensitive manner and in relation to the location of arrest. There is access to the AT&T Language Line, although cost is a major concern.

Booking/Complaint process: will vary greatly from county to county. However, most (if not all) counties will have access to some type of interpreter service over time.

There is also access to the AT&T Language Line, although cost is a major concern. In addition, there are incentive programs for bi-lingual deputies/officers and most counties have provided some level of minority language training to staff (primarily in Spanish). Finally, Dispatch Resource lists exist which identify officer/deputy capabilities. Agencies have been willing to “share the resource”.

### **COMMUNITY RESOURCES/OUTREACH**

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
- *law enforcement complaint process,*
  - *judicial complaint process,*
  - *other employee complaint process,*
  - *annual report on minority bar, and*
  - *web site information on minority bar and judges, to include tribal courts.*

Implementation Status: **On going**

Sheriffs have staffed secondary schools with School Resource Officers. School districts have implemented U.S. Government and law classes, vocational law enforcement classes, and have used Sheriffs Office personnel as guest speakers. In addition, some counties offer Citizens Academies, Town Meetings, Speakers Bureaus, and the Utah Sheriffs Association provides talking point information each quarter.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.*

Implementation Status: **On going**

Some counties have formed partnerships in this regard. Presentations are regularly made to civic groups, schools, colleges and city councils to inform and obtain input from these bodies. Washington County, Davis County, Weber County and Cache County have developed community councils or advisory boards.

## **COMPLAINT PROCESSES**

1. *At a minimum, all law enforcement agencies in Utah should have a written complaint review process in place.*

Implementation Status: **On going**

Approximately seventy percent of the counties have a written complaint procedure/process. The complaints process subcommittee will be conducting a survey to determine the agencies without a written complaint review process in place. Additionally POST has made a model process available, based on national standards.

2. *The Peace Officer Standards and Training (POST) Council should establish a model complaint process for law enforcement agencies. The POST Council should take into account the following issues:*
  - A. *Every law enforcement agency should have a Citizen's Review Board or a similar review process that investigates allegations of excessive force and other allegations of substantial civil rights violations. This review board should represent a cross section of the community not employed by law enforcement.*
  - B. *Every law enforcement agency should complete the review of the complainant's investigation within a reasonable time period and include a written response with supporting testimony or documents to justify the law enforcement agency's actions or inactions.*
  - C. *Every law enforcement agency should allow a complainant to file a law enforcement abuse complaint via the telephone.*
  - D. *Law enforcement agencies should accept anonymous complaints and should include a procedure informing anonymous complainants of the limits of investigations that are inherent to anonymous complaints.*
  - E. *Law enforcement agencies should allow the complainant to review, for verification of accuracy, a copy of his/her testimony.*
  - F. *Every law enforcement agency should have the complaint reviewed by the officer's supervisor and by someone other than the officer's immediate supervisor.*
  - G. *Every law enforcement agency should list general categories of common complaints (ie. verbal, physical, harassment, action conducted by the law enforcement officer) on the complaint process form.*
  - H. *Law enforcement agencies should work to instill public confidence in the review*

*process by keeping the public informed as to the total numbers and types of complaints filed per year, the types of dispositions on those complaints, as well as information about the complaint process itself.*

- I. Literature describing the complaint process, the complainant's rights to appeal, and the consequences for filing false complaints should be printed in English as well as other languages, and should be available at law enforcement agencies in plain view.*

Implementation Status: **Completed in part and On going**

The International Association of Chiefs of Police Model Complaint policy is taught in the Internal Affairs and First Line classes. This Model Policy covers most of the concerns raised by the Task Force. The National Sheriffs Association, IACP, PERF, NOBLE, Commission on Accreditation of Law Enforcement Association and other professional organizations support this policy. The process to develop Citizen Review Boards raises many issues that must be addressed by Offices as review boards are implemented. Weber County has successfully established a citizen review board and has found it to be of great help in resolving disputes and in reviewing policies. No other County is known to have a Review Board in place at this time. This Board includes strong representation from the ethnic minority community. This successful effort to receive broad based citizen input into the complaint response process will be highlighted at the annual Sheriff's training conference in Sept. of 2004.

## **ADMINISTRATION**

- 1. Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.*

Implementation Status: **(Commission Recommendation)**

This recommendation should be addressed by the Commission as a whole. This has not been implemented successfully due to the lack of effective hate crime laws in Utah. However hate crimes are charged and prosecuted in the same manor as any other offense and the "hate" aspects of the crime can be used by a Judge in the sentencing process.

- 2. Law enforcement administrators and directors should not tolerate police officer conduct in decision making at any level based solely on race or ethnicity.*

Implementation Status: **Completed in part and further efforts underway**

The Sheriffs Association has a no-tolerance policy for biased conduct based on race/ethnicity. Some counties, such as Weber County, have achieved or in the process of accreditation through CALEA which addresses and provides solutions to this problem. The Utah Sheriffs Association is forming an alliance with CALEA to implement the CALEA recognition program for other counties

in Utah. Standards already exist in the correctional area and are reviewed with each county jail annually as part of a jail inspection process. At present there are 7 counties that will begin with the recognition program this year. (The process takes most agencies two or three years for full implementation and review). Finally, quarterly business meetings and round table discussions with Chiefs and Sheriffs allow better coordination on how to handle these sensitive issues.

3. *Law enforcement agencies should adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by consideration of race, color, ethnicity, age or gender and would constitute a violation of the civil rights of that person.*

Implementation Status: **Completed in part and ongoing**

The Model Racial Profiling policy was presented, trained, and adopted by the Association in the third quarter of 2001. This training is on-going on a as requested basis. Additional standards are being developed as part of the state standard creation process.

4. *Law enforcement agencies should seek funding necessary to install video cameras with audio capability to be used in patrol vehicles and micro-cassette recorders to be utilized on citizen contacts away from the patrol vehicle in order to ensure against profiling based on race and ethnicity.*

Implementation Status: **On going**

Video cameras are not in all cars, although most sheriffs/chiefs/directors who currently use them would prefer to have them in all patrol cars. Alcohol funds are being currently used to assist agencies in obtaining cameras, primarily for DUI enforcement. This process is still occurring.

## **DATA**

1. *The race and ethnicity of crime victims should be maintained electronically in databases so that further studies of minority crime victims are possible in the future.*

Implementation Status: **(CCJJ Recommendation)**

This has not been implemented by Sheriffs , however CCJJ is attempting to track these issues and Sheriffs are monitoring closely the results of CCJJ's research.

2. *Individual law enforcement agencies should track yearly the following data related to complaint processes:*
  - *Review board members' race and ethnicity,*
  - *Review board members' length of service,*
  - *The officer's race/ethnicity,*
  - *The complainant's race/ethnicity, and*
  - *The overall number of police abuse complaints filed and their dispositions.*

Implementation Status: **Ongoing**

The citizen review board process is new to Sheriff's Offices and future training on successful programs in the state will stimulate more Offices to use this procedure.

8. *Law enforcement agencies should keep not only accurate, but readily compilable, accessible and reviewable racial and ethnic data on all stops (traffic and pedestrian), searches, citations, arrests, and citizen complaints. Stops should also include data collection about reason for stops (ie. gang-related stops, traffic violations).*

Implementation Status: **In progress**

This recommendation is being addressed by the new Racial Profiling Law. Data is being collected and as available the results will be reviewed and used to implement changes. The law enforcement standard creation process will also help in this area.

9. *The Utah Department of Public Safety should modify and improve the Bureau of Criminal Investigation database. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The Utah Sheriffs' Association, the Utah Chiefs of Police Association, Peace Officer Standards and Training (POST), and the Bureau of Criminal Investigation should give strong support for maintaining a statewide, standardized law enforcement software which would consistently report crime and arrest information. These organizations should seek complete and regular reporting from all law enforcement agencies in the state.*

Implementation Status: **Ongoing**

This has not been implemented to our best knowledge. However, standardization, automation, interaction of databases are goals that many counties are working towards. Interoperability is a long-term goal. Major urban areas are coming together in a shared RMS/JMS/CAD solution. Joint/shared system of improvement projects are encouraged.

## **RESEARCH**

1. *The criminal and juvenile justice system should implement management information systems that produce information that captures "what works" predicated on guiding principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.*

Implementation Status: This has not been implemented to our best knowledge.

3. *The Commission on Criminal and Juvenile Justice should study law enforcement data regarding racial profiling, once sufficient data has been collected by local law enforcement agencies (ie. Salt Lake Police Department, St. George Police Department),*

*and should publish their findings.*

Implementation Status: **(CCJJ recommendation)**

This recommendation will be addressed through the new racial profiling law.

4. *Law enforcement, in conjunction with other agencies, should support research to define and identify the nature and extent, if any, of racial profiling.*

Implementation Status: **(CCJJ recommendation)**

This recommendation will be addressed through the new racial profiling law.

## Utah State Bar Response to Recommendations of Task Force on Racial and Ethnic Fairness

### **WORKFORCE: RECRUITMENT/HIRING**

1. *Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans*

Implementation Status: **Completed and enacted into policy**

The Utah State Bar has adopted an Equal Employment Opportunity Plan to guide staff hiring and has encouraged law firms in Utah to provide equivalent hiring practices. We believe that our example and emphasis has been beneficial.

4. *The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.*

Implementation Status: **Ongoing**

The Utah State Bar has begun to devise a comprehensive plan to encourage minority students in high schools and college to focus on a law school education and career in the law. No reportable action has taken place to further this recommendation. The Bar has again participated in the job fairs by the state's law schools but has not finalized a plan to encourage minority students to focus

on law school. Obstacles to implementation seem to include the daunting task of creating a comprehensive strategy to resolve cultural and economic challenges and to appropriately encourage career choices.

## **TRAINING**

- 3b. *The Utah State Bar should offer Continuing Legal Education (CLE) training on cultural competency for attorneys and paralegals in the criminal and juvenile justice systems.***

Implementation Status: **Ongoing**

The Utah State Bar has sought and obtained Mandatory Continuing Legal Education credit from the Utah Supreme Court's Board of Continuing Legal Education for cultural competence and has scheduled and conducted courses. The Bar has sponsored 7 hours of CLE on cultural competence this last year, including seminars to new lawyers. The Bar has sponsored CLE training on the judicial selection process at its Annual Convention and sponsored a "Judges School" with the Utah Minority Bar Association and Women Lawyers of Utah in April 2003.

- 4. *The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.***

Implementation Status: **In process of completion**

A pamphlet has been drafted by the Center and awaits final revisions and distribution.

## **INTERPRETATION**

- 2. *The public and Bar should be provided with easily retrievable information on individual rights to an interpreter and the availability of interpreter services. Strategies should include: Bar and Court web sites, and Audiovisual and pamphlet materials available in multiple languages.***

Implementation Status: **In process of completion**

A pamphlet has been drafted by the Center and awaits final revisions and distribution.

## **COMMUNITY RESOURCES/OUTREACH**

- 3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and***

*justice system in order to enhance public trust and confidence. This should include: law enforcement complaint process, judicial complaint process, other employee complaint process, annual report on minority bar, and web site information on minority bar and judges, to include tribal courts.*

Implementation Status: **Ongoing**

The Bar is sponsoring a collaborative effort to educate the public regarding the 50 year anniversary of the U.S. Supreme Court's decision in Brown v. Board of Education. We are also involved in providing resources with the courts for high school civics education curricula.

4. *Minority organizations, including the Utah Minority Bar Association, should anticipate judicial vacancies, encourage minority lawyers to apply and participate directly in the nominating commission and selection processes.*

Implementation Status: **Ongoing**

The Bar has specifically discussed the need for diversity with the governor in private meetings and continues to include that consideration when making any recommendations. We have included notices of all vacancies in all our electronic and printed communications and specifically mentioned minority applications.

5. *The Utah Minority Bar Association and other associations should continue efforts to provide scholarships for minority law students and should work toward developing creative methods for expanding its outreach to recruit and encourage minorities to consider pursuing the practice of law.*

Implementation Status: **Lack of resources**

No further action on scholarships has been taken. Obstacles to the implementation include the need to prioritize demands among increasingly diminishing Bar resources.

6. *The Utah State Bar should promote networking as a means for increasing minority membership and participation. This should include: social events and educational programs, law school programs, internships, scholarships, and mentor programs.*

Implementation Status: **Ongoing**

The Bar has tried to increase minority representation on committees and convention planning groups. The Bar regularly purchases a table at the UMBA annual dinner and appreciates the participation of UMBA and minority representation on the Bar Commission. We continue to review options on scholarships.

## **ADMINISTRATION**

1. *Utahns should be provided a safe and central location to learn more about hate groups*



*and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.*

**Implementation Status: (Commission Recommendation)**

This recommendation should be addressed by the full Commission. The Bar has not considered a plan yet to establish a center on hate crimes.

**5. Activities by the State Bar should include:**

- *encouraging Utah women of color to participate in bar activities, and*
- *coordinating efforts of Young Lawyers of Utah, Women Lawyers of Utah, Bar and Minority Bar Association to increase the number of minority lawyers and their participation in bar activities.*

**Implementation Status: Ongoing**

The Utah State Bar Commission includes representatives of the Women Lawyers of Utah, the Young Lawyers Division and the Minority Bar as ex officio members, meets regularly with their leadership, and supports their regular events. The Bar has not developed a more comprehensive plan to encourage further participation by Utah women of color.

**16. The Judicial Council should request annual reports from the Administrative Office of the Courts and the Utah State Bar outlining their progress in implementation of court workforce recommendations.**

**Implementation Status: Completed**

The Utah State Bar has provided reports when requested and will continue to cooperate in finding solutions to the issues raised in the report.

**DATA**

**5. The Utah State Bar and Utah Minority Bar Association should track and report racial data to the Utah Supreme Court, including: number of minorities employed at the Bar, participation of minority lawyers in bar activities and leadership positions, and racial and ethnic composition of Utah State Bar, including applicants for Bar exam.**

**Implementation Status: Ongoing**

The Utah State Bar has provided reports when requested. Currently the Bar staff of 30 includes 4 minorities, the Bar Commission includes 2 minority commissioners in addition to the ex officio members referred to above, and our records estimate that minority lawyers constitute 4% of the total number of lawyers in the state. We are compiling information of the ethnic and racial composition of the Bar applicants.

## **RESEARCH**

6. *The Utah State Bar should review disciplinary practices for racial and ethnic bias.*

Implementation Status: **Ongoing**

The Utah State Bar Commission has reviewed the records of the Office of Professional Conduct for any indication of racial and ethnic bias and concluded that there have been none.

7. *The Utah State Bar should have the admissions process and procedures reviewed for racial and ethnic bias, and review the bar exam for disparate impact.*

Implementation Status: **In progress**

The Utah State Bar's Admissions Committee is conducting a comprehensive evaluation of admissions rules, procedures and practices, including the composition of the Bar exam. The admissions process is still under review and the evaluation of the process has not as of yet included a review of disparate impact in the bar exam.

8. *The Utah State Bar should examine the reasons behind the large percentage of minority lawyers who have "inactive status" with the Bar. Where appropriate, the Bar should develop internship and placement programs for minorities.*

Implementation Status: **In progress**

The Utah State Bar Commission has reviewed the numbers of minority lawyers who are on inactive status. This attempt was limited to the information available-which was collected through the licensing forms. Information on minority status is done through self-identification and on a voluntary basis, so conclusions may not be considered as reliable. There was no agreement concerning any identifiable reasons. The Bar has not yet further developed a satisfactory solution and is searching for a viable source of information to guide the study.

**Utah State Courts  
Response to Recommendations of  
Task Force on Racial and Ethnic Fairness**

**WORKFORCE: RECRUITING/HIRING**

- 1. Agencies in the state of Utah should establish and maintain Equal Employment Opportunity Plans.*

Implementation Status: **Completed an enacted into policy**

The Courts have an Equal Employment Opportunity Plan which is updated annually. The current plan can be found at: <http://www.utcourts.gov>

- 4. The judiciary and the legal community as a whole should enhance their current minority recruitment efforts and work with minority communities to attract a larger pool of qualified minority applicants.*

Implementation Status: **Ongoing**

Over the last year the courts, like the rest of state government, had to manage significant budget reductions. In the area of personnel, nearly one hundred positions, or eight percent of the entire workforce, were eliminated and a complete hiring freeze was in place for nearly the entire reporting period. The hiring freeze was changed to a hiring slow down of eight weeks as of July 1, 2003. As a consequence, there was very little in the way of recruitment or hiring during this

period. Of all those hired since July 1, 2003, 12.7% were minorities, as opposed to slightly over 11% percent of the current workforce.

What employment has taken place has been principally at the trial court level, rather than central office. Recruiting and hiring is largely administered at the local level and varies according to the location of the court. Urban and rural courts serve different populations and have different challenges, therefore, the approach to recruiting a minority population will vary. Inquiry was made of all court executives, who are the court level hiring authorities, across the state as to their experience in recruitment activities over the last year and their responses are summarized as follows:

1. Judges and staff often make regular appearances in high schools, colleges, and communities to both educate people on the mission of the courts as well as promote opportunities at the courts. In some instances current minority staff members are active within their communities thus allowing additional opportunity for outreach.
2. Courts located in rural areas have made progress on developing relationships with minority populations, and in some instances, current staff members serve on local advisory boards geared toward reaching minority populations.
3. Courts throughout the state actively seek and utilize internships as a method to recruit future staff members. In some instances interns are able to obtain full time employment with the Courts when they meet the educational requirements.
4. Court openings are advertised on the courts web page and with the Department of Workforce Services, the Department of Human Resources Management, at local colleges, and other organizations when applicable.
5. Unpaid internships have been utilized when possible and where interested candidates have been identified. Most interns are filled by candidates from local schools. However, implementation across all judicial districts has been at varying degrees and with varied success.
6. Courts across the state have worked to develop contacts with local ethnic minority organizations in regards to posting employment opportunities. It is reported that in some areas these efforts have been met with mixed results, such as organizations not providing applicants who meet minimum qualifications or not following through on posting job openings that have been provided. In some instances the most effective efforts have been by direct contacts by current minority staff with members within their own communities. Now that the hiring freeze has been lifted, additional attention will be directed to implementing this objective.
7. An "Employment Opportunities in the Courts" brochure has been created and

distributed to hiring authorities across the state.

6. ***The Administrative Office of the Courts should conduct an examination of the racial and ethnic diversity of the courts workforce by judicial district to ensure progress in the goal of increasing workforce diversity. This examination should occur at least annually.***

Implementation Status: **Completed and Ongoing**

The Workforce Composition report and Utilization Analysis reports have been developed and are available on the Courts website. Human Resources is in the process of updating the information and plan to have it completed and reported to the Judicial Council in a year ending report. In addition, a new Retention Report has been developed and includes termination data for the past year. The findings are that of the 150 employees terminated since January 2003, 10.7% were minorities. Among current court employees 11.2% are minorities.

8. ***The Judicial Council, as part of the justice court certification process, should ensure that all judicial appointing authorities (city council/county government) recognize the importance of cultural diversity in the workplace and should have in place recruiting processes that result in diverse applicant pools. Further, the appointing authority, should retain data relating to the race and ethnic background of applicants for the judicial vacancy for examination by the Judicial Council to monitor compliance with this position.***

Implementation Status: **Recommendation unworkable in its present form**

There are 140 independent government entities that sponsor justice courts across the state, each with its own hiring policies and rules. Their personnel practices and funding are administered by the local government unit, not the Judicial Council. In the case of justice courts, just as with local law enforcement, any blanket requirement for data collection and retention would have to be statutory. A resolution urging local governments to recognize the importance of cultural diversity and to put in place recruitment efforts which will result in diverse applicant pools will be included in the next justice court certification process.

9. ***Judges should consider the importance of diversity on the bar and bench in the hiring of law clerks.***

Implementation status: **Unknown - calls for individual action**

The recommendation calls for individual judges to consider the importance of diversity in appointing law clerks. There is no way to determine the extent to which this is being done in individual cases, but collectively we know that, at the present time, 13% of all law clerks are minorities.

## **TRAINING**

4. *The court and counsel should, as a matter of policy, warn defendants, who agree to deportation as a condition of the sentence, of the harsh consequences under federal law for violating the condition not to return to the United States without permission from the government.*

Implementation Status: **Has been addressed**

A subcommittee of the Racial and Ethnic Fairness Commission raised this issue with the Supreme Court Criminal Procedures Rules Committee which considered the matter and elected not to advance a rule change. The concern with adopting a rule was not with the substantive issue being addressed, but rather the precedent of creating specific collateral warning rule which conceivably could extend to a multitude of such warnings.

- 5a. *The Judicial Council should ensure that all judges (at all levels of court) and relevant court personnel receive regular training on the appropriate use of interpreters in the courtroom.*

Implementation Status: **Completed and ongoing**

The Judicial Council's Education Standing Committee has worked to implement this recommendation. Extensive training on this topic was provided at the 2002 Annual Conference attended by all state judges and members of the Board of Justice Court Judges. The Chair of the Interpreter Advisory Committee has been actively involved in planning these programs. Education programs building on this 2002 program can be expected to be held regularly, but not every annual conference.

- 5b. *Judges should receive training on the level of reliability of psychological evaluation results in cases where the mental health practitioner does not speak the same language as the client/defendant, does not have an understanding of the defendant's culture, and in cases where an interpreter is used for the evaluation.*

Implementation Status: **Training completed**

This topic was addressed at the District Court Judicial Conference in 2002. Since that training program, the courts have been informed by Adult Probation and Parole that bilingual psychological exams were being discontinued until a level of funding is provided that will ensure they are being conducted correctly. Future training will be dependent on the decisions by AP&P.

- 5c. *Mandatory cultural diversity training should address the specific needs of court employees, including judges. The training should focus on cultural competency, not only awareness and sensitivity. The Administrative Office of the Courts should create a curriculum for court employees, including judges. Upon completion of the curriculum,*

***the Administrative Office of the Courts should report to the Judicial Council on the status and implementation of its curriculum.***

Implementation Status: **Completed and ongoing**

The Administrative office of the Courts implemented a cultural competency training program, adapted from the Utah Multi Agency Cultural Competency Curriculum, during 2002. This training was mandated for all court employees by the state court administrator. Training for judges was provided to District, Juvenile, and Justice Court judges at their 2002 conference. A comprehensive report was provided to the Judicial Council at the conclusion of this training program.

Following the implementation of the cultural competency training program, the Judicial Council's Education Standing Committee approved making the cultural competency course mandatory for all employees, and it being held 2 or 3 times per year so that new employees coming into the court system can take the program.

***5d. Judges should receive training on the rights of individuals to serve on juries and defendants to have a jury that reflects a cross section of the community.***

Implementation Status: **Completed and ongoing**

This topic of juror rights was addressed at this year's annual judicial conference. Additional training opportunities on this topic should be provided at future conferences. See addendum following the research section.

***6. Individual judges, at all levels of the courts, and members of the Board of Pardons and Parole should conduct a heightened examination of the sentences they impose to determine whether or not they have, perhaps unintentionally, allowed racism to cloud their judgments.***

Implementation Status: **Unknown - calls for individual action**

This recommendations call for individual judges to make a heightened examination of their own sentencing practices. Training programs and presentation of data , such as the disproportionate confinement of juveniles study, have been provided which, hopefully, will prompt individual judges to examine this issue. Systemic research has not been conducted.

## **INTERPRETING**

***2. The public and Bar should be provided with easily retrievable information on individual rights to an interpreter and the availability of interpreter services. Strategies should include:***

- *Bar and Court web sites, and*
- *Audiovisual and pamphlet materials available in multiple languages.*

Implementation Status: **Completed and ongoing**

The courts web site, <http://utcourts.gov>, has extensive information about the profession of court interpreting, including certification information. Information has been added to the web site informing the public of their entitlement to a court interpreter in qualifying cases. As court notices are being revised, where appropriate, they are including language regarding the right to an interpreter. In addition, many court information pamphlets and related materials have been printed in Spanish.

3. *The court interpreter certification program should be strengthened and expanded to ensure quality interpretation for all those appearing in court proceedings. Strategies should include:*

- *employing a full time administrator, including local managers, as appropriate,*
- *employing full time interpreters as court employees, where appropriate,*
- *establishing guidelines for contract interpreter selection,*
- *monitoring needs requirements for additional language interpreters and certification testing,*
- *establishing and maintaining a code of professional responsibility, discipline, and grievance procedure, and*
- *conducting a concerted effort to recruit skilled interpreters so that there is a high probability exists that a certified interpreter will always be used.*

Implementation Status: **Completed in part**

Recommendation regarding the employment of a full time state wide administrator and employing full time interpreters have not been pursued because of reductions in the courts budget over the last two years and there are no immediate plans to add personnel for this work. In the alternative, existing resources have been redirected to provide additional support. A realignment of duties within the Legal Department has resulted in the employment of a program manager whose duties include the oversight of interpreter programs. With existing staff, interpreter coordinators have been named in each judicial district and training has been provided. A full time interpreter coordinator has been employed in the largest judicial district , who, in addition to coordinating the assignment of interpreters, also assists the AOC in providing information to potential interpreters and in recruiting bilingual members of the community to become court interpreters.

There are currently no full or part-time staff interpreter positions or any plans to employ , rather than contract for interpreting services. This decision will be driven, in large measure, on whether there is a location where employment would be more cost effective.

Interpreter selection guidelines have been completed, as well as the professional code, discipline and grievance procedure. Interpreters who wish to serve in the Courts must attend training on the Code of Professional Responsibility and pass a written ethics exam. The availability of training workshops has been increased and minorities within the community are being actively recruited.



The AOC has provided training to interpreters with the JUSTICE FOR ALL COMPACT, an association providing volunteer interpreters in civil court cases for low income parties.

The Spanish court interpreter certification program continues to be strengthened. This year, six new interpreters were certified and the geographical representation of certified interpreters has grown, with one new certified interpreter in Logan and one in St. George, and the rest residing along the Wasatch Front. The primary reason for not certifying languages other than Spanish at this time is the unavailability of funds to offer the necessary training required for certification requirements, however, the AOC provided some financial assistance to a Vietnamese interpreter to travel to a nearby state that does provide certification in that language. The certification program has also been strengthened by development of a structured continuing education requirement for certified interpreters this year. The AOC will develop training programs to assist interpreters to satisfy the continuing education requirement.

4. ***Interpreters should be proficiently bilingual and culturally competent to provide the proper language and dialect to an individual before the court. More minorities should be recruited to serve as interpreters.***

Implementation Status: **Ongoing**

The continuing education requirement for certified interpreters will assist them to continually upgrade their language skills and cultural competency. The addition of an English/Spanish Diagnostic pre-test to the certification process will help interpreters assess their bilingual skills and identify areas where further study and practice is needed. During this past year, the AOC also offered language-specific skill building workshops in a cooperative effort with Salt Lake Community College. We continue to recruit minorities within the community and are usually able to meet our interpreter needs that way. Additionally, as a member of the Consortium for State Court Interpreter Certification, Utah now has access to interpreters in a variety of languages in nearby states, if needed. Utah also subscribes to Language Line which provides telephone interpreting in hundreds of languages as needed.

5. ***Non-interpreter court employees who have bilingual skills and use those skills as a part of their job duties should be acknowledged through increasing starting salary levels and/or appropriate pay increases.***

Implementation Status: **Completed and enacted into policy**

This has been completed and initiated into policy. “Second Language Stipends” are being awarded to a limited number of qualifying employees in every judicial district.

6. ***The Judicial Council should assign the responsibility to the Court Interpreter Advisory Panel of conducting a feasibility study to evaluate the need, viability, and placement of a centralized authority for overseeing the administration of certification and delivery of interpreter services for all criminal and juvenile justice agencies.***

Implementation Status: **Considered and determined to be unworkable**

The Judicial Council's Court Interpreter Advisory Panel has studied this recommendation and recommended against its implementation. Their review determined that a centralized oversight authority is not workable nor practical due to the vast differences in interpreter services, requirements and policies across criminal justice agencies. In addition, they determined that the courts focus on strengthening court interpretation and quality control would be compromised. This recommendation should be deleted as a court objective.

7. ***Judges must assume responsibility in determining that the race, ethnicity or primary language of defendants, witnesses, victims, and counsel do not affect the ability of individual jurors to be impartial and should instruct court participants on the role of the interpreter (including the administration of the oath in open court).***

Implementation Status: **Completed and ongoing**

This training is being provided for all new judges as part of a new judge orientation program. In addition, this topic will be scheduled periodically as part of continuing judicial education for all judges.

## **COMMUNITY RESOURCES/ OUTREACH**

- 2b. ***The Judicial Council's Public Outreach Committee should take the lead in helping communities to understand the court process by considering implementation of the following: civics classes for minority communities, tours of the courts for schools and youth clubs, Meet the Judges nights, and having a Court - Community Outreach effort to link the courts and the public.***

Implementation Status: **Completed and ongoing**

The Public outreach Committee, through the Administrative office of the Courts, has sponsored and conducted seven community-court forums that both provided education on court process and an opportunity to improve communication. The outreach committee has also served as a clearinghouse for information and resources used by local courts in their own communities, which include: school based programs, self represented litigant assistance, community court forums, community education programs, volunteer programs, speakers bureau, media services and programs, and the courts web page.

The courts commitment to outreach efforts is reflected in the adoption of Rule 3-114 of the Rules of Judicial Administration, which is intended to foster a greater role for judges in service to the community. Rules have also been adopted to allow education credit toward mandatory continuing education requirements for judges and court staff for public outreach work in their communities. In addition, the Utah Supreme Court has amended the Code of Judicial Conduct to read "As part of the judicial role, a judge is encouraged to render public service to the community."

Trial court executives from across the state have established a group which is monitoring local community outreach efforts for best practices that can be replicated in other courts. These efforts include courthouse tours and school programs

In 2003, the courts collaborated with the Utah State Bar to orchestrate the commemoration of landmark US Supreme Court's decision in "Marbury vs. Madison" on February 24, 2003. Approximately 154 students participated in the program statewide, visiting state courthouses across Utah. Students were able to visit courtrooms, meet with judges and attorneys, and discuss this important case.

During the month of March 2003, approximately 85 students from two Park City schools visited courtrooms and judges in 3<sup>rd</sup> District. Their tours included court observation and debriefing with a judge, meeting with district court and appellate court judges, and tours of the Matheson Courthouse.

The Salt Lake School District Internship Program focused on law during this past year, and two groups of high school students came to the Matheson Courthouse to observe court, and meet with judges and court staff to learn more about the court system and jobs in the court.

In August 2003, the Judicial Council voted to elevate the status of this committee to a Judicial Council Standing Committee, and this process is now underway. Prior to this action, public outreach was one of many activities under the Standing Committee on Judicial Branch Education. The Education Standing Committee supported the creation of a standing committee devoted exclusively to public outreach, thus highlighting the organization's support for this effort.

3. *All elements of the criminal and juvenile justice system should collaborate to provide the public and schools with information to better understand our law enforcement and justice system in order to enhance public trust and confidence. This should include:*
  - *law enforcement complaint process,*
  - *judicial complaint process,*
  - *other employee complaint processes,*
  - *annual report on minority bar, and*
  - *web site information on minority bar and judges, to include tribal courts.*

**Implementation Status: Ongoing**

Where appropriate, such as the collaborative effort with the Utah State Bar in the Marbury v. Madison program in schools mentioned above, joint effort have been undertaken. As a general rule, however, it is felt that educational topics on law enforcement and law enforcement outreach efforts are best addressed by individual law enforcement departments.

With respect to the judicial complaint process, parties with complaints against judges are referred to the Judicial Conduct Commission for information on their complaint process, and they are mailed an information brochure. This information is also available on the Utah State Bar web site,

and the court web site has a link to this information. Education on the Judicial Conduct Commission complaint process is best provided by the Commission, rather than the courts, to emphasize the independence of the Commission.

Complaints against non judicial court employees are addressed to court executives who are responsible for employees within individual judicial districts. A 1-800 information line program conducted by the Administrative Office of the Courts was discontinued July 1, 2003, as part of the budget reductions required in state government.

There has been an effort to include information on tribal judges on the courts web page. A web page link has been created, however, the actual content will be dependent on information provided by the tribal courts, which has not yet been provided.

8. *Criminal and juvenile justice entities should establish and maintain ongoing partnerships with community institutions from local government, to civic groups, to religious organizations, to local leaders in order to best meet the community's needs.*

Implementation Status: **Completed and ongoing (see 2b above)**

## **ADMINISTRATION**

1. *Utahns should be provided a safe and central location to learn more about hate groups and hate motivated violence, to receive information and education on recognizing, reporting, investigating, prosecuting, and punishing of hate crimes, and to report complaints about the handling of their cases.*

Implementation Status: **(Commission Recommendation)**

Programs designed for the purpose of learning more about hate crimes should be sponsored or supported by the Commission itself. The courts have no independent plans to provide such programs.

16. *The Judicial Council should request annual reports from the Administrative Office of the Courts and the Utah State Bar outlining their progress in implementation of court workforce recommendations.*

Implementation Status: **Completed and ongoing**

Reports covering court workforce recommendations have been prepared and are presented to the Judicial Council annually. The next report to the Judicial Council is scheduled for the Council's December meeting. This report will be published on the Courts website.

17. *Court ordered psychological evaluations (i.e., those completed by Pre-Trial Services, Department of Human Services competency evaluations, in conjunction with Adult Probation and Parole pre-sentence investigations, the mental health component of*

*diagnostic evaluations, Adult Compliance and Education Center, community based treatment program mental health evaluations) should be conducted by skilled practitioners. Practitioners should strive for linguistic and cultural similarity with their clients. At a minimum, practitioners should demonstrate a basic understanding of their client's cultural background in order to account for the significant influences of race and ethnicity upon the accuracy of the evaluations.*

**Implementation Status: (Dept of Corrections Recommendation)**

This recommendation is directed at contracts for adult services which are not administered by the courts. There are contracts for services for juveniles which the courts do administer and the model Request for Proposal (RFP) language regarding cultural competency will be considered for inclusion in future RFPs for services for juveniles, once finalized by the Commission.

20. *Advocate positions should be created by the Utah State Courts as a means of helping individuals and families through the court process. The availability of an advocate who is knowledgeable about the system, has a bi/multi-lingual capability, and has demonstrated cross-cultural skills would create a perception of a friendlier and more caring system.*

**Implementation Status: Completed in part**

Reductions in the courts budget over the last two years have precluded any consideration of the creation of the new advocacy positions described in this recommendation. There are no plans to fund such positions. In the alternative, court employees receiving the second language stipend are being called on to perform part of the role envisioned in the recommendation. Currently, there are X court employees receiving this stipend.

**DATA**

7. *Track electronically racial and ethnic data on pre-trial release decisions, including Consent Decree Release (CDR), release to Pre-Trial Services (PTS), and release on own recognizance (OR).*

**Implementation Status: Completed and ongoing**

As the Racial and Ethnic Fairness Task Force was involved in its study, they notified the Juvenile Court about the lack of complete racial and ethnic data on youth referred to the Juvenile Court. Since that time, management has taken the initiative to correct the problem. On a quarterly basis, reports are run that reflect the percentage of racial data collected. Juvenile Court has improved the collection of this data. When we first became aware of the problem, 72% of the cases had data. It has improved to 91% as of the last update and we will continue to track the collection of this data carefully.

8. *The Administrative Office of the Courts should keep statistics regarding the race and ethnic background of judicial applicants (for appellate, juvenile, and district court*

*positions) throughout the application process. The process for collecting these data should allow applicants to self-identify their race/ethnicity. The data should be used for statistical purposes only. Therefore, data should be collected with the application but separated prior to the review process.*

Implementation Status: **Completed**

This judicial application have been revised to include the recommended information, which is now being maintained for statistical analysis.

9. *The Administrative Office of the Courts= court employee application form should include some type of form that requests Equal Employment Opportunity data as an optional part of the application. The collection of this data should be used for statistical purposes only. Therefore, the form should not be attached to the application so as to ensure that the information will not be forwarded to the interview process. The data should be self-reported. Two possibilities include use of a self-addressed postcard or foldable mailer.*

Implementation Status: **Completed**

The data is collected by position, however, since it is an optional and separate part of the application, not all applicants will complete the form which effects the validity of the statistical analysis. This information is tracked by Human Resources independent of hiring departments and is not shared with the hiring committee.

10. *Criminal and juvenile justice agencies should conduct annual reviews as well as confidential exit interviews for employees that include a question regarding racial and ethnic fairness in the employee's work environment.*

Implementation Status: **Completed in part**

The annual performance review form has been modified to include a racial and ethnic fairness component and has been utilized in the most recent review cycle. The exit interview form, which is not utilized by all judicial districts, has not been updated to reflect a racial and ethnic fairness component. In the coming year Human Resources intends to work with individual districts to make more effective utilization of exit interviews as well as add a racial and ethnic fairness component.

11. *Justice courts across the state should maintain data on sentencing decisions by race and ethnicity. Data should be kept in a consistent manner for the purposes of evaluation.*

Implementation Status: **(Local government recommendation)**

There are 140 independent government entities which sponsor justice courts across the state, each with their own hiring policies and rules. Their personnel practices and funding are administered by local government units, not the state court system. In the case of justice courts, just like law enforcement, any blanket requirement for data collection and retention would have to be statutory.

- 12. *The racial and ethnic composition of the qualified jury list and of jury service should be tracked regularly to determine levels of participation by minorities and the representativeness of Utah’s jury pool database.***

Implementation Status: **Ongoing**

The Courts will import race data from driver license division records. Race data is not available from voter registration records. This is only a first step, but nothing else can be done until it is taken. See the addendum following the research section.

- 14. *The Judicial Council should require justice courts to provide statistical information to the Administrative Office of the Courts (AOC) on workforce issues that the AOC tracks for other levels of the court, including racial/ethnic data on judicial applicant pools.***

Implementation Status: **Recommendation unworkable in its present form**

There are 140 independent government entities that sponsor justice courts. Their personnel practices and funding are administered by the local government unit, not the Judicial Council. The Judicial Council does not have the authority to require this information; such a requirement would have to be set by statute.

- 15. *The Judicial Performance Evaluation Committee should add the following item to the judicial performance evaluation form to inquire specifically about racial and ethnic bias. Respondents should be asked to rate the justice or judge on the following issue: Engages in any language or behaviors that result in racial, ethnic, or gender bias or the appearance of racial, ethnic, or gender bias?***

Implementation Status: **Considered and determined unnecessary**

The Judicial Performance Evaluation Committee has considered this recommendation and determined that it is not necessary based on previous experience. In years past the performance evaluation survey was a two part survey, one part for information to be included in the voter information pamphlet, the other part for individual judges for self improvement purposes. The public part asked a question about whether a judge’s behavior is free from bias and favoritism. The self improvement part asked a multitude of questions regarding specific bias, including those contained in the above recommendation. Researchers studied the results of these two different forms of asking the question over time and found that the responses to the two different questions were identical. In an effort to reduce the length of the survey and improve response rates, the Committee elected to use the question now asked, which is “Is a judge’s behavior free from bias and favoritism.”

## **RESEARCH**

- 1. *The criminal and juvenile justice system should implement management information systems that produce information that captures “what works” predicated on guiding***

*principles that provide for a pro-active problem solving approach in dealing with the offender and the offender's family.*

Implementation Status: **Ongoing**

The research called for in this recommendations is dependent on an data system that collects information on interventions a youth receives. For the past three years, many in the Juvenile Court and Youth Corrections have worked on the engineering of new juvenile information system, called CARE. One of the modules to be developed, called Services/Assignments, is specifically being developed to collect information on program participation, interventions received, and the level of supervision received. Once totally implemented, and current expectations are for that to happen in June of 2005, the juvenile justice system will be capable of providing the data necessary to determine what programs work for what types of youth.

- 13.     *The Judicial Council should determine methods for increasing the racial and ethnic representativeness of juries.***

Implementation Status: **Ongoing**

Work is in the planning stage to add additional source lists from which to construct the master jury list. See the addendum following the research section.

- 14.     *The Administrative Office of the Courts should sponsor significant research on the source lists for the jury master list, the jury qualification process, and the use of peremptory challenges for racial and ethnic bias. Research should also study whether and to what extent jurors feel they have been the object of racial or ethnic bias in their capacity as jurors.***
- 15.     *The Administrative Office of the Courts should sponsor research to determine whether absence of minorities on juries results in an inability to receive a fair trial. The study should compare conviction rates of minority defendants by juries with minority representation.***

Implementation Status: **Considered and determined unfeasible**

The Committee on Improving Jury Service studied both of these recommendations and recommended against the proposed research projects. Basically, only one of the projects has a valid research design and it would be prohibitively expensive. It is recommended that items 14 and 15 be eliminated as recommendations. See the addendum following the research section.

- 17.     *The Juvenile Courts, the Department of Child and Family Services, and the Division of Youth Corrections should jointly examine the relationship between custody and socio-economic status. Specifically, the research should attempt to establish if a relationship exists between income level and custody decisions.***

Implementation Status: **Considered and determined unworkable**



No research has been conducted to see if there is a relationship between income level and custody decision. In years past, the Juvenile Court collected information on family income. The response from families was that they considered this to be an intrusion into their private affairs and they were insulted when asked about income. Based on the response, income data was dropped as a collected data element. It was felt that maintaining a positive relationship with families is the paramount concern when we are seeking their support when working with their children. It is recommended that this item be dropped as a recommendation.

18. ***The Juvenile Courts and the Division of Youth Corrections should conduct qualitative reviews involving youth who successfully exit the system.***

Implementation Status: **Ongoing**

There are some qualitative reviews of youth who exit the system successfully. A number of probation units send out surveys to youth and families regarding their probation experience. Often, surveys are not returned. Of the ones that are, compliments are received regarding the performance of probation staff.

From a more comprehensive view, the question suggests we should be conducting more objective reviews with specific outcome measures of kids under the supervision of Juvenile Court and Youth Corrections. As previously mentioned, part of the new CARE system will include a module that will collect information about interventions received. At this time, we can make global statements about recidivism, but we believe the intent of this recommendation is directed at the individual youth. This will be possible once the new CARE system is fully implemented.

**Report of the Committee on Improving Jury Service  
To the Judicial Council Regarding  
Recommendations of the Commission on Racial and Ethnic Fairness**

The Judicial Council has referred to the Committee on Improving Jury Service several recommendations of the Commission on Racial and Ethnic Fairness. The Committee has reviewed these recommendations and offers the Council these further suggestions. The Commission's recommendations are in quoted bold.<sup>1</sup>

**EDUCATION**

**“(5d) Judges should receive training on the rights of individuals to serve on juries and defendants to have a jury that reflects a cross section of the community.”**

The Committee fully supports training for district court judges on the *Batson* line of cases and other aspects of minority participation in jury trials. However, it appears from the Commission's report that this recommendation has already been submitted to the Committee on Judicial Branch Education. (“This topic was brought to staff for the Education Planning Committee. It will be addressed by this committee for inclusion in future District Conferences.”) The Court of Appeals has issued a *Batson*-related opinion that shows the need for such training. *State v. Chatwin*, 2002 UT App 363. We encourage the Committee on Judicial Branch Education to give the topic a high priority during conference planning.

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<sup>1</sup> For the purpose of our analysis we have split Commission recommendation 14 into three component parts: The first is closely related to recommendations 12 and 13; the second is discussed separately; and the third is closely related to recommendation 15.

## RESEARCH

The remaining Commission recommendations focus on research. It appears that only one of the research projects is feasible at this time. One is conceptually flawed. Another is extremely complex. For the remainder, we simply lack the tools necessary to conduct competent studies. We discuss each recommendation in turn and what we believe are the most constructive next steps to ensure racial fairness in jury selection and to position the judiciary for future research.

**“(12) The racial and ethnic composition of the qualified jury list and of jury service should be tracked regularly to determine levels of participation by minorities and the representativeness of Utah’s jury pool database.”**

**“(13) The Judicial Council should determine methods for increasing the racial and ethnic representativeness of juries.”**

**“(14) The Administrative Office of the Courts should sponsor significant research on the source lists for the jury master list ....”**

To evaluate the representativeness of minorities on juries we need to compare the racial demographics of our master jury list with the demographics of the population at large. This task faces obstacles from lack of comparable data and the limited ability to obtain that data. These obstacles are not insurmountable, but they need to be anticipated.

To measure the number of minorities among the population at large we could use the federal decennial census data, which is extrapolated annually by the Governor’s Office of Planning and Budget (OPB). The figures are estimates, not counts, but they remain the best data available. The decennial census contains 24 race and ethnicity categories. However, the extrapolations by the OPB contain only five. The more current the estimates, the less inclusive the categories. The more inclusive the categories, the more dated the information.

Currently we do not maintain race data on jurors, although we have a field in which to record the information. The records of jurors on the master jury list do not originate with the courts. We obtain the records of the Driver License Division of the Department of Public Safety and the voter registration list from the Lt. Governor, and so we are limited to the data contained in those records. Only within the last few years have persons applying for a driver’s license or identification card been able voluntarily to declare their race. The Division reports about 80% participation, but the data base will fill only as people apply for new licenses. The Division uses the same race and ethnicity categories as the federal census. Comparing the Division’s 24 race and ethnicity categories with the OPB’s 5 categories may not yield comparable information. The race of voters is not recorded.

The Committee earlier reported that the place to start improving the representativeness of minorities on juries is to improve their representativeness on the master jury list. To achieve that goal we reemphasize our earlier recommendation to include new and diverse source lists from

which to build the master jury list. If minorities are fully included on the master jury list, randomness alone should ensure representativeness on the qualified jury list. If an imbalance on the qualified jury list exists even after using multiple source lists, there are tools, such as the random stratified selection used in San Juan County, to address the imbalance.

Possible examples of new source lists include records of the: Tax Commission; Office of Vital Records and Statistics of the Department of Health; Office of Education; Office of Aging and Adult Services, Division of Child and Family Services, Office of Recovery Services and Office of Services for Persons with Disabilities of the Department of Human Services; Department of Workforce Services; Division of Occupational and Professional Licensing of the Department of Commerce; and the records of the district and juvenile courts. Conceptually, the task is simple, but the time and cost required to program computers, to negotiate the availability of lists and to implement the delivery is significant.

The research recommended by the Commission will be difficult to conduct in any event. To proceed now appears premature. Rather than researching the effects of just two source lists with incomplete data, we recommend using those resources to expand our source lists and improve our data.

**“(14) The Administrative Office of the Courts should sponsor significant research on ... the jury qualification process ... for racial and ethnic bias. Research should also study whether and to what extent jurors feel they have been the object of racial or ethnic bias in their capacity as jurors.”**

This recommendation contains two separate research tasks: the juror qualification process; and perceptions of jurors of bias against them. The second task first: Obtaining jurors’ perceptions of racial bias against them does not require us to maintain race data in the juror database. The perceptions of jurors can be obtained and measured using standard random sample survey methods. To build a credible study, however, requires much more than distributing questionnaires at the courthouse. If the Judicial Council decides to pursue this line of research, we recommend the AOC hire a survey consultant to help design the survey questionnaire, identify the random sample of jurors, conduct in-person or telephone interviews, record the data and report the results. A survey consultant will provide not only the professional expertise necessary for a rigorous study but also separation and independence.

A further word of caution for the survey design: A fundamental difficulty with any sound analysis of the influence of race on jury selection in Utah will be the difficulty of obtaining statistically significant results. Because there are relatively few minorities in Utah, the sample size will have to be correspondingly large. Without a sufficiently large sample, differences based on race, even if they are measurable, will not be statistically significant, and what is otherwise good research might be so much wasted effort.

Studying the qualification process for racial bias does require us to maintain race data in the database. The difficulty of obtaining that data is discussed as part of recommendations 12, 13 and

14. The research faces the further difficulty of a jury management system inadequate for the task. To measure whether race influences the qualification process, the record of a juror must contain the juror's race and the point at which the juror "exits" the qualification process. Do minorities respond to qualification questionnaires and summonses at a rate different from Whites? Do clerks follow up with minorities who fail to respond at a different rate? Is the juror removed for cause or by peremptory challenge? Is the computerized, random selection of names from the master list truly random? We can answer only some of these questions with the current jury management system.

The Committee reemphasizes our earlier recommendation to modernize our jury management system. In addition to improving data management for purposes of demographic research and other business purposes, modern jury management systems offer significant conveniences to the clerks and to jurors, such as on-line information, on-line qualification, on-line scheduling and automated payment.

**"(14) The Administrative Office of the Courts should sponsor significant research on ... the use of peremptory challenges for racial and ethnic bias."**

**"(15) The Administrative Office of the Courts should sponsor research to determine whether the absence of minorities on juries results in an inability to receive a fair trial. The study should compare conviction rates of minority defendants by juries with minority representation."**

The Committee has grouped these two recommendations because they focus on the trial itself, rather than the jury lists and pretrial procedures. They present the most difficult research problems of all. The complexity of the studies is suggested by our inquiry to the National Center for State Courts, which revealed that no one has conducted published research on either of these two questions.

Studying the impact of race on peremptory challenges will face all three of the challenges already discussed: lack of race data in the jury data base; inadequate jury management system; and costly surveys. To measure the influence of race on peremptory challenges, the record of a juror must contain the juror's race. The juror's record must reflect the fact that the juror was removed by a peremptory challenge rather than by some other means. We would need to question - probably the judge, the juror and the attorney - whether they perceived that race influenced the peremptory challenge.

The data collection for recommendation 15 would be very complex: race of the defendant; race of the jurors; trial outcome; definition of "absence" of minorities; definition of "minorities"; and definition of "fair trial". How does the research control for other factors, such as religion or education? How does the research interpret conviction of a lesser offense or conviction of one charge but not a second? More important, the premise is flawed: A conviction does necessarily mean the trial was not fair. There appears to be simply too many differences among the cases to

warrant comparison: different defendants tried by different jurors from different counties considering different evidence of different crimes.

## **CONCLUSION**

Welcoming people of color – welcoming all qualified citizens – to participate in the ultimate act of democracy – jury service – is an important goal. A desire to research whether we are achieving that goal is laudable, but the research, to be credible and to show the way to our goal, must have adequate design, data and expertise. If the Judicial Council decides to research jurors' perception of bias, we recommend hiring a survey consultant to conduct a random sample survey. We recommend that the last two research projects identified not be pursued. Comparing conviction rates is inherently invalid, and measuring the influence of race on peremptory challenges, while theoretically valid, is too complex. For the remainder of the research, we must first position the judiciary with more and diverse juror source lists and a jury management system adequate for the task.



# Tab 11







## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

April 17, 2020

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO: Management Committee / Judicial Council**

**FROM: Keisa Williams**

**RE: Rules for Final Approval**

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The Judicial Council approved the following rules for public comment on November 25, 2019. One comment was received during the 45-day comment period. Policy and Planning reviewed the comment and made no amendments to the published draft. Policy and Planning Committee recommends the following rules to the Judicial Council for final approval with an effective date of May 1, 2020.

#### **CJA 1-204 – Executive Committees**

#### **CJA 3-406 – Budget and Fiscal Management**

At its October 28, 2019 meeting, the Judicial Council formalized a new executive committee, the Budget and Fiscal Management Committee. The Council asked Policy and Planning to review associated rules and outline the new Committee's duties. Proposed amendments to Rule 1-204 (lines 11-12 and 34-37) add the Budget and Fiscal Management Committee to the executive committee list, and define the Committee's duties.

The amendments to the State Court Administrator's responsibilities in Rule 3-406 (lines 47-48 and 145-146) reflect the Council's policy change regarding its budget process. The State Court Administrator will now make recommendations to the Budget and Fiscal Management Committee, rather than orders and notice to the Council, when implementing the Council's fiscal priorities and allocation of funds, and when changes to those allocations are needed.

#### **CJA 1-205 – Standing and Ad Hoc Committees**

The Online Court Assistance Program Committee no longer exists. The membership lists for the Committee on Resources for Self-Represented Parties and the Committee on Court Forms include "one member of the Online Court Assistance Committee." Because the OCAP Committee no longer exists, each membership list (lines 127 and 195) has been revised to remove those members, however, each committee has at least one remaining member with OCAP expertise. Both committees approved the change.

The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.

The Uniform Fine and Bail Schedule Committee requested that their membership be amended by removing the juvenile court judge and adding a justice court judge (lines 39-41). That change would ensure the both district and justice court judges are equally represented.

### **CJA 3-111 – Performance Evaluatino of Active Senior Judges and Court Commissioners**

As part of its review of new forms for reporting cases under advisement, the Standing Committee on Court Forms noticed different standards in the rules for active judges versus senior judges and commissioners. One rule (3-101) said judges must report cases over two months, while the other rule (3-111) said senior judges and commissioners must report cases over 60 days. The statute (78A-2-223) sets a standard of two months for trial judges. To allow all judicial officers to be able to use the same form, the language in Rule 3-111(line 161) has been changed from "60 days" to "two months."

### **CJA 4-905 – Restraint of Minors in Juvenile Court**

The proposed amendment (line 13) is to eliminate the subsection of the referenced statute to avoid outdated citations in the future.

### **CJA 10-1-202 – Verifying Use of Jury**

The Second District Court requested that local supplemental rule CJA 10-1-202 be repealed because it is no longer needed. The Second District is now following practices set forth in general rules observed by all other judicial districts.

### **CJA Appendix F – Utah State Court Records Retention Schedule**

The first amendment (line 108) eliminates the requirement that the enhancement forms previously required under Rule 9-301 be retained permanently. Because Rule 9-301 was repealed, those records should now be destroyed at the same time as the file to which the record pertains. Eliminating the specific reference in the schedule will default to that result.

The second amendment (lines 112-113, and 116) changes the retention for domestic violence cases to ten years to reflect the change in statute that makes those offenses enhanceable for ten years.

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

**Rule 1-204. Executive committees.****Intent:**

- To establish executive committees of the Council.
- To identify the responsibility and authority of the executive committees.
- To identify the membership and composition of the executive committees.
- To establish procedures for executive committee meetings.

**Applicability:**

- This rule shall apply to the judiciary.

**Statement of the Rule:**

- (1) The following executive committees of the Council are hereby established: (a) the Management Committee; (b) the Policy and Planning Committee; ~~and~~ (c) the Liaison Committee; and (d) the Budget and Fiscal Management Committee.
- (2) The Management Committee shall be comprised of at least four Council members, one of whom shall be the Presiding Officer of the Council. Three Committee members constitute a quorum. The Presiding Officer of the Council or Presiding Officer's designee shall serve as the Chair. When at least three members concur, the Management Committee is authorized to act on behalf of the entire Council when the Council is not in session and to act on any matter specifically delegated to the Management Committee by the Council. The Management Committee is responsible for managing the agenda of the Council consistently with Rule 2-102 of this Code. The Management Committee is responsible for deciding procurement protest appeals.
- (3) The Policy and Planning Committee shall recommend to the Council new and amended rules for the Code of Judicial Administration. The committee shall recommend to the Council new and amended policies, or repeals, for the Human Resource Policies and Procedures Manual, pursuant to Rule 3-402. The committee shall recommend to the Council periodic and long term planning efforts as necessary for the efficient administration of justice. The committee shall research and make recommendations regarding any matter referred by the Council.
- (4) The Liaison Committee shall recommend to the Council legislation to be sponsored by the Council. The committee shall review legislation affecting the authority, jurisdiction, organization or administration of the judiciary. When the exigencies of the legislative

process preclude full discussion of the issues by the Council, the Committee may endorse or oppose the legislation, take no position or offer amendments on behalf of the Council.

~~(5)~~ The Budget and Fiscal Management Committee shall review court budget proposals, recommend fiscal priorities and the allocation of funds, and make recommendations to the Council regarding budget management and budget development in accordance with Rule 3-406.

~~(5)(6)~~ Members of the executive committees must be members of the Council. Each executive committee shall consist of at least three members appointed by the Council to serve at its pleasure. The members of the Policy and Planning Committee and the Liaison Committee shall elect their respective chairs annually and select a new chair at least once every two years.

~~(6)(7)~~ Each committee shall meet as often as necessary to perform its responsibilities, but a minimum of four times per year. Each committee shall report to the Council as necessary.

~~(7)(8)~~ The Administrative Office shall serve as the secretariat to the executive committees.

*Effective May/November 1, 20\_\_*

**Rule 3-406. Budget and fiscal management.****Intent:**

To develop and maintain the policies and programs of the judiciary through sound fiscal management.

To provide for sound fiscal management through the coordinated and cooperative effort of central and local authorities within the judiciary.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

**Applicability:**

This rule shall apply to the management of all funds appropriated by the state to the judiciary.

**Statement of the Rule:**

(1) **Fiscal programs and program directors established.** For purposes of fiscal management, the judiciary is divided into programs. Each program budget is managed by a program director designated by the state court administrator and approved by the Management Committee.

The budget of a geographic division shall be managed by the court executive subject to the general supervision of the program director.

**(2) Budget management.**

(A) **Responsibility of the council.** The responsibility of the Council is to:

(i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

(B) **Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(i) implement the directives of the Council;

(ii) direct the management of the judiciary's budget, including orders  
recommendations to reduce or redirect allocations ~~upon notice to the Council;~~  
and

(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

(C) **Responsibility of the administrative office.** It is the responsibility of the administrative office to:

(i) clear all warrants and other authorizations for the payment of accounts payable for the availability of funds;

(ii) monitor all expenditures;

(iii) provide monthly expenditure reports by court to court executives, program directors, the state court administrator, Boards of Judges and the Council; and

(iv) develop a manual of procedures to govern the payment of accounts payable and the audit thereof. The procedures shall be in conformity with generally accepted principles of accounting and budget management.

(D) **Responsibility of the program directors.** Within their respective programs, it is the responsibility of the program directors to:

(i) comply with the directives of the Council and the state court administrator;

(ii) administer the reduction or redirection of allocations;

(iii) monitor all expenditures;

(iv) supervise and manage court budgets in accordance with the manual of procedures; and

(v) develop recommendations for fiscal priorities, the allocation of funds, and the reduction or redirection of allocations.

(E) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(i) comply with the directives of the Council, the state court administrator, and the program director, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(v) authorize expenditures;

(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the Administrative Office;

(vii) monitor all expenditures; and

(viii) develop recommendations for fiscal priorities, the allocation of funds, and the reduction or redirection of allocations.

(F) **Process.** After the legislative general session the state court administrator shall consider all sources of funds and all obligated funds and develop a recommended spending plan that most closely achieves the priorities established by the Council at the prior annual planning meeting. The state court administrator shall review the recommended spending plan with the Management Committee and present it to the Judicial Council for approval.

### (3) Budget development.

(A) **Responsibility of the council.** It is the responsibility of the Council to:

(i) establish responsible fiscal priorities that best enable the judiciary to achieve the goals of its policies;

(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(iv) allocate funds to the geographic divisions of courts in accordance with priorities established by the Council.

(B) **Responsibility of the boards.** It is the responsibility of the Boards to:

(i) develop recommendations for funding priorities; and

(ii) review, modify, and approve program budgets for submission to the Council.

(C) **Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; and

(ii) ~~develop recommendations to implement~~ the Council's ~~for~~ fiscal priorities and ~~the~~ allocation of funds.

(D) **Responsibility of the administrative office.** It is the responsibility of the Administrative Office to:

(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;



(ii) assist program directors and court executives in the preparation of budget requests; and

(iii) compile the budget of the judiciary.

**(E) Responsibility of the program directors.** Within their respective programs, it is the responsibility of program directors to review, modify, and approve budget requests.

**(F) Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(ii) develop a budget request that adequately and appropriately meets those needs.

**(G) Process.**

(i) Each Board of Judges, each court and committee and each department of the administrative office of the courts may develop, prioritize and justify a budget request. The courts shall submit their requests to the appropriate Board of Judges. The committees and the departments of the AOC shall submit their requests to the state court administrator.

(ii) The Boards shall consolidate and prioritize the requests from the courts and the requests originated by the Board. The state court administrator shall consolidate and prioritize the requests from the committees and departments.

(iii) The state court administrator shall review and analyze all prioritized budget requests and develop a recommended budget request and funding plan. The state court administrator shall review the analysis and the recommended budget request and funding plan with the Council.

(iv) At its annual planning meeting the Council shall consider all prioritized requests and the analysis and recommendations of the state court administrator and approve a prioritized budget request and funding plan for submission to the governor and the legislature.

**(4) General provisions.**

(A) Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

(B) All courts and the Administrative Office shall comply with the provisions of state law and the manual of procedures.

(C) Reductions in allocations, reductions in force, and furloughs may be ordered by the state court administrator with notice to the Council. In amending the work program to reflect a budget cut, reductions in force and furloughs shall be used only when

**Rule 1-205. Standing and Ad Hoc Committees.****Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

**Applicability:**

This rule shall apply to the internal operation of the Council.

**Statement of the Rule:****(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

- (1)(A)(i) Technology Committee;
- (1)(A)(ii) Uniform Fine Schedule Committee;
- (1)(A)(iii) Ethics Advisory Committee;
- (1)(A)(iv) Judicial Branch Education Committee;
- (1)(A)(v) Court Facility Planning Committee;
- (1)(A)(vi) Committee on Children and Family Law;
- (1)(A)(vii) Committee on Judicial Outreach;
- (1)(A)(viii) Committee on Resources for Self-represented Parties;
- (1)(A)(ix) Language Access Committee;
- (1)(A)(x) Guardian ad Litem Oversight Committee;
- (1)(A)(xi) Committee on Model Utah Civil Jury Instructions;
- (1)(A)(xii) Committee on Model Utah Criminal Jury Instructions;
- (1)(A)(xiii) Committee on Pretrial Release and Supervision; and
- (1)(A)(xiv) Committee on Court Forms.

**(1)(B) Composition.**

(1)(B)(i) The Technology Committee shall consist of:

- (1)(B)(i)(a) one judge from each court of record;
- (1)(B)(i)(b) one justice court judge;

- (1)(B)(i)(c) one lawyer recommended by the Board of Bar Commissioners;
- (1)(B)(i)(d) two court executives;
- (1)(B)(i)(e) two court clerks; and
- (1)(B)(i)(f) two staff members from the Administrative Office.
- (1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of:
- (1)(B)(ii)(a) one district court judge who has experience with a felony docket;
- (1)(B)(ii)(b) three district court judges who have experience with a misdemeanor docket; and
- ~~(1)(B)(ii)(c) one juvenile court judge; and~~
- ~~(1)(B)(ii)(d)~~ (1)(B)(ii)(c) ~~three~~ four justice court judges.
- (1)(B)(iii) The Ethics Advisory Committee shall consist of:
- (1)(B)(iii)(a) one judge from the Court of Appeals;
- (1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;
- (1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- (1)(B)(iii)(d) one juvenile court judge;
- (1)(B)(iii)(e) one justice court judge; and
- (1)(B)(iii)(f) an attorney from either the Bar or a college of law.
- (1)(B)(iv) The Judicial Branch Education Committee shall consist of:
- (1)(B)(iv)(a) one judge from an appellate court;
- (1)(B)(iv)(b) one district court judge from Judicial Districts 2, 3, or 4;
- (1)(B)(iv)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- (1)(B)(iv)(d) one juvenile court judge;
- (1)(B)(iv)(e) the education liaison of the Board of Justice Court Judges;
- (1)(B)(iv)(f) one state level administrator;
- (1)(B)(iv)(g) the Human Resource Management Director;
- (1)(B)(iv)(h) one court executive;
- (1)(B)(iv)(i) one juvenile court probation representative;
- (1)(B)(iv)(j) two court clerks from different levels of court and different judicial districts;
- (1)(B)(iv)(k) one data processing manager; and
- (1)(B)(iv)(l) one adult educator from higher education.
- (1)(B)(iv)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level

65 administrator and the Human Resource Management Director  
66 shall serve as permanent Committee members.

67 (1)(B)(v) The Court Facility Planning Committee shall consist of:

68 (1)(B)(v)(a) one judge from each level of trial court;

69 (1)(B)(v)(b) one appellate court judge;

70 (1)(B)(v)(c) the state court administrator;

71 (1)(B)(v)(d) a trial court executive;

72 (1)(B)(v)(e) two business people with experience in the construction or  
73 financing of facilities; and

74 (1)(B)(v)(f) the court security director.

75 (1)(B)(vi) The Committee on Children and Family Law shall consist of:

76 (1)(B)(vi)(a) one Senator appointed by the President of the Senate;

77 (1)(B)(vi)(b) one Representative appointed by the Speaker of the House;

78 (1)(B)(vi)(c) the Director of the Department of Human Services or designee;

79 (1)(B)(vi)(d) one attorney of the Executive Committee of the Family Law  
80 Section of the Utah State Bar;

81 (1)(B)(vi)(e) one attorney with experience in abuse, neglect and dependency  
82 cases;

83 (1)(B)(vi)(f) one attorney with experience representing parents in abuse,  
84 neglect and dependency cases;

85 (1)(B)(vi)(g) one representative of a child advocacy organization;

86 (1)(B)(vi)(h) one mediator;

87 (1)(B)(vi)(i) one professional in the area of child development;

88 (1)(B)(vi)(j) one representative of the community;

89 (1)(B)(vi)(k) the Director of the Office of Guardian ad Litem or designee;

90 (1)(B)(vi)(l) one court commissioner;

91 (1)(B)(vi)(m) two district court judges; and

92 (1)(B)(vi)(n) two juvenile court judges.

93 (1)(B)(vi)(o) One of the district court judges and one of the juvenile court  
94 judges shall serve as co-chairs to the committee. In its discretion  
95 the committee may appoint non-members to serve on its  
96 subcommittees.

97 (1)(B)(vii) The Committee on Judicial Outreach shall consist of:

98 (1)(B)(vii)(a) one appellate court judge;

(1)(B)(vii)(b) one district court judge;  
(1)(B)(vii)(c) one juvenile court judge;  
(1)(B)(vii)(d) one justice court judge; one state level administrator;  
(1)(B)(vii)(e) a state level judicial education representative;  
(1)(B)(vii)(f) one court executive;  
(1)(B)(vii)(g) one Utah State Bar representative;  
(1)(B)(vii)(h) one communication representative;  
(1)(B)(vii)(i) one law library representative;  
(1)(B)(vii)(j) one civic community representative; and  
(1)(B)(vii)(k) one state education representative.  
(1)(B)(vii)(l) Chairs of the Judicial Outreach Committee's subcommittees  
shall also serve as members of the committee.

(1)(B)(viii) The Committee on Resources for Self-represented Parties shall consist  
of:

(1)(B)(viii)(a) two district court judges;  
(1)(B)(viii)(b) one juvenile court judge;  
(1)(B)(viii)(c) two justice court judges;  
(1)(B)(viii)(d) three clerks of court – one from an appellate court, one from an  
urban district and one from a rural district;  
~~(1)(B)(viii)(e) one member of the Online Court Assistance Committee;~~  
~~(1)(B)(viii)(e)~~ (1)(B)(viii)(f) one representative from the Self-Help Center;  
~~(1)(B)(viii)(f)~~ (1)(B)(viii)(g) one representative from the Utah State Bar;  
~~(1)(B)(viii)(g)~~ (1)(B)(viii)(h) two representatives from legal service  
organizations that serve low-income clients;  
~~(1)(B)(viii)(h)~~ (1)(B)(viii)(i) one private attorney experienced in providing  
services to self-represented parties;  
~~(1)(B)(viii)(i)~~ (1)(B)(viii)(j) two law school representatives;  
~~(1)(B)(viii)(j)~~ (1)(B)(viii)(k) the state law librarian; and  
~~(1)(B)(viii)(k)~~ (1)(B)(viii)(l) two community representatives.

(1)(B)(ix) The Language Access Committee shall consist of:

(1)(B)(ix)(a) one district court judge;  
(1)(B)(ix)(b) one juvenile court judge;  
(1)(B)(ix)(c) one justice court judge;  
(1)(B)(ix)(d) one trial court executive;

- (1)(B)(ix)(e) one court clerk;
- (1)(B)(ix)(f) one interpreter coordinator;
- (1)(B)(ix)(g) one probation officer;
- (1)(B)(ix)(h) one prosecuting attorney;
- (1)(B)(ix)(i) one defense attorney;
- (1)(B)(ix)(j) two certified interpreters;
- (1)(B)(ix)(k) one approved interpreter;
- (1)(B)(ix)(l) one expert in the field of linguistics; and
- (1)(B)(ix)(m) one American Sign Language representative.

(1)(B)(x) The Guardian ad Litem Oversight Committee shall consist of:

- (1)(B)(x)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(xi) The Committee on Model Utah Civil Jury Instructions shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(xi)(c) four lawyers who primarily represent defendants; and
- (1)(B)(xi)(d) one person skilled in linguistics or communication.

(1)(B)(xii) The Committee on Model Utah Criminal Jury Instructions shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) one justice court judge;
- (1)(B)(xii)(c) four prosecutors;
- (1)(B)(xii)(d) four defense counsel;
- (1)(B)(xii)(e) one professor of criminal law; and
- (1)(B)(xii)(f) one person skilled in linguistics or communication.

(1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one juvenile court judge;
- (1)(B)(xiii)(c) two justice court judges;
- (1)(B)(xiii)(d) one prosecutor;
- (1)(B)(xiii)(e) one defense attorney;
- (1)(B)(xiii)(f) one county sheriff;
- (1)(B)(xiii)(g) one representative of counties;
- (1)(B)(xiii)(h) one representative of a county pretrial services agency;

- (1)(B)(xiii)(i) one representative of the Utah Insurance Department;
- (1)(B)(xiii)(j) one representative of the Utah Commission on Criminal and Juvenile Justice;
- (1)(B)(xiii)(k) one commercial surety agent;
- (1)(B)(xiii)(l) one state senator;
- (1)(B)(xiii)(m) one state representative;
- (1)(B)(xiii)(n) the Director of the Indigent Defense Commission or designee;
- and

(1)(B)(xiii)(o) the court's general counsel or designee.

(1)(B)(xiv) The Committee on Court Forms shall consist of:

- (1)(B)(xiv)(a) one district court judge;
- (1)(B)(xiv)(b) one court commissioner;
- (1)(B)(xiv)(c) one juvenile court judge;
- (1)(B)(xiv)(d) one justice court judge;
- (1)(B)(xiv)(e) one court clerk;
- (1)(B)(xiv)(f) one appellate court staff attorney;
- (1)(B)(xiv)(g) one representative from the Self-Help Center;
- (1)(B)(xiv)(h) the State Law Librarian;
- (1)(B)(xiv)(i) the Court Services Director;
- ~~(1)(B)(xiv)(j) one member selected by the Online Court Assistance Committee;~~
- ~~(1)(B)(xiv)(k)~~ (1)(B)(xiv)(j) one representative from a legal service organization that serves low-income clients;
- ~~(1)(B)(xiv)(l)~~ (1)(B)(xiv)(k) one paralegal;
- ~~(1)(B)(xiv)(m)~~ (1)(B)(xiv)(l) one educator from a paralegal program or law school;
- ~~(1)(B)(xiv)(n)~~ (1)(B)(xiv)(m) one person skilled in linguistics or communication; and
- ~~(1)(B)(xiv)(o)~~ (1)(B)(xiv)(n) one representative from the Utah State Bar.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as

they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;



(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

Effective \_\_\_\_\_, 2020

204 absolutely necessary to maintain a balanced budget. If reductions in force are  
205 necessary, they shall be made in accordance with approved personnel procedures. If  
206 furloughs are necessary, they should occur for no more than two days per pay period.

**Rule 3-111. Performance Evaluation of Active Senior Judges and Court Commissioners.****Intent:**

To establish a performance evaluation, including the criteria upon which active senior judges and court commissioners will be evaluated, the standards against which performance will be measured and the methods for fairly, accurately and reliably measuring performance.

To generate and to provide to active senior judges and court commissioners information about their performance.

To establish the procedures by which the Judicial Council will evaluate and certify senior judges and court commissioners for reappointment.

**Applicability:**

This rule shall apply to presiding judges, the Board of Justice Court Judges, and the Judicial Council, and to the active senior judges and court commissioners of the Court of Appeals, courts of record, and courts not of record.

**Statement of the Rule:****(1) Performance evaluations.****(1)(A) Court commissioners.**

(1)(A)(i) On forms provided by the administrative office, the presiding judge of a district or court level a court commissioner serves shall complete an evaluation of the court commissioner's performance by June 1 of each year. If a commissioner serves multiple districts or court levels, the presiding judge of each district or court level shall complete an evaluation.

(1)(A)(ii) The presiding judge shall survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge shall review at least five of the commissioner's active cases. The review shall include courtroom observation.

(1)(A)(iii) The presiding judge shall provide a copy of each commissioner evaluation to the Judicial Council. Copies of plans under paragraph (3)(G) and all evaluations shall also be maintained in the commissioner's personnel file in the administrative office.

- (1)(B) **Active senior judges.** An active senior judge's performance shall be evaluated by attorneys as provided in paragraph (3)(A) and by presiding judges and court staff as provided in paragraph (3)(B).
- (2) **Evaluation and certification criteria.** Active senior judges and court commissioners shall be evaluated and certified upon the following criteria:
- (2)(A) demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;
  - (2)(B) attentiveness to factual and legal issues before the court;
  - (2)(C) adherence to precedent and ability to clearly explain departures from precedent;
  - (2)(D) grasp of the practical impact on the parties of the commissioner's or senior judge's rulings, including the effect of delay and increased litigation expense;
  - (2)(E) ability to write clear judicial opinions;
  - (2)(F) ability to clearly explain the legal basis for judicial opinions;
  - (2)(G) demonstration of courtesy toward attorneys, court staff, and others in the commissioner's or senior judge's court;
  - (2)(H) maintenance of decorum in the courtroom;
  - (2)(I) demonstration of judicial demeanor and personal attributes that promote public trust and confidence in the judicial system;
  - (2)(J) preparation for hearings or oral argument;
  - (2)(K) avoidance of impropriety or the appearance of impropriety;
  - (2)(L) display of fairness and impartiality toward all parties;
  - (2)(M) ability to clearly communicate, including the ability to explain the basis for written rulings, court procedures, and decisions;
  - (2)(N) management of workload;
  - (2)(O) willingness to share proportionally the workload within the court or district, or regularly accepting assignments;
  - (2)(P) issuance of opinions and orders without unnecessary delay; and
  - (2)(Q) ability and willingness to use the court's case management systems in all cases.
- (3) **Standards of performance.**
- (3)(A) **Survey of attorneys.**
    - (3)(A)(i) The Council shall measure satisfactory performance by a sample survey of the attorneys appearing before the active senior judge or court commissioner during the period for which the active senior judge or court commissioner is being evaluated. The Council shall measure

satisfactory performance based on the results of the final survey conducted during a court commissioner's term of office, subject to the discretion of a court commissioner serving an abbreviated initial term not to participate in a second survey under Section (3)(A)(vi) of this rule.

(3)(A)(ii) **Survey scoring.** The survey shall be scored as follows.

(3)(A)(ii)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate, or Adequate.

(3)(A)(ii)(b) Each question shall be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(3)(A)(ii)(c) A court commissioner's performance is satisfactory if: at least 75% of the questions have a satisfactory score; and the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

(3)(A)(ii)(d) The Judicial Council shall determine whether the senior judge's survey scores are satisfactory.

(3)(A)(iii) **Survey respondents.** The Administrative Office of the Courts shall identify as potential respondents all lawyers who have appeared before the court commissioner during the period for which the commissioner is being evaluated.

(3)(A)(iv) **Exclusion from survey respondents.**

(3)(A)(iv)(a) A lawyer who has been appointed as a judge or court commissioner shall not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline shall not be a respondent in the survey.

(3)(A)(iv)(b) With the approval of the Management Committee, a court commissioner may exclude an attorney from the list of respondents if the court commissioner believes the attorney will not respond objectively to the survey.

(3)(A)(v) **Number of survey respondents.** The Surveyor shall identify 180 respondents or all attorneys appearing before the court commissioner, whichever is less. All attorneys who have appeared before the active senior judge shall be sent a survey questionnaire as soon as possible after the hearing.

(3)(A)(vi) **Administration of the survey.** Court commissioners shall be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners shall be the subject of a survey during the second year of each term of office. Newly appointed court commissioners shall be the subject of a survey during the second year of their term of office and, at their option, approximately six months prior to the expiration of their term of office.

(3)(A)(vii) **Survey report.** The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.

(3)(B) **Non-attorney surveys.**

(3)(B)(i) **Surveys of presiding judges and court staff regarding non-appellate senior judges.** The Council shall measure performance of active senior judges by a survey of all presiding judges and trial court executives, or in the justice courts, all presiding justice court judges and the justice court administrator, of districts in which the senior judge has been assigned. The presiding judge and trial court executive will gather information for the survey from anonymous questionnaires completed by court staff on the calendars to which the senior judge is assigned and by jurors on jury trials to which the senior judge is assigned. The Administrative Office of the Courts shall distribute survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal

ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(3)(B)(ii) **Surveys of Court of Appeals presiding judge and clerk of court.**

The Council shall measure performance of active appellate senior judges by a survey of the presiding judge and clerk of court of the Court of Appeals. The presiding judge and clerk of court will gather information for the survey from anonymous questionnaires completed by the other judges on each panel to which the appellate senior judge is assigned and by the appellate law clerks with whom the appellate senior judge works. The Administrative Office of the Courts shall distribute the survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(3)(C) **Case under advisement standard.** A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the senior judge or court commissioner for final determination. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the court.

(3)(C)(i) A senior judge or court commissioner in a trial court demonstrates satisfactory performance by holding:

(3)(C)(i)(a) no more than three cases per calendar year under advisement more than ~~60 days~~two months after submission; and

(3)(C)(i)(b) no case under advisement more than 180 days after submission.

(3)(C)(ii) A senior judge in the court of appeals demonstrates satisfactory performance by:

- (3)(C)(ii)(a) circulating no more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- (3)(C)(ii)(b) achieving a final average time to circulation of a principal opinion of no more than 120 days after submission.

(3)(D) **Compliance with education standards.** Satisfactory performance is established if the senior judge or court commissioner annually complies with the judicial education standards of this Code, subject to the availability of in-state education programs. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the state court administrator.

(3)(E) **Substantial compliance with Code of Judicial Conduct.** Satisfactory performance is established if the senior judge or court commissioner demonstrates substantial compliance with the Code of Judicial Conduct, if the Council finds the responsive information to be complete and correct and if the Council's review of formal and informal sanctions lead the Council to conclude the court commissioner is in substantial compliance with the Code of Judicial Conduct. Under Rule 11-201 and Rule 11-203, any sanction of a senior judge disqualifies the senior judge from reappointment.

(3)(F) **Physical and mental competence.** Satisfactory performance is established if the senior judge or court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(3)(G) **Performance and corrective action plans for court commissioners.**

- (3)(G)(i) The presiding judge of the district a court commissioner serves shall prepare a performance plan for a new court commissioner within 30 days of the court commissioner's appointment. If a court commissioner serves multiple districts or court levels, the presiding judge of each district and court level shall prepare a performance plan. The performance plan shall communicate the expectations set forth in paragraph (2) of this rule.



(3)(G)(ii) If a presiding judge issues an overall “Needs Improvement” rating on a court commissioner’s annual performance evaluation as provided in paragraph (1), that presiding judge shall prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

(4) **Judicial Council certification process.**

(4)(A) **July Council meeting.** At its meeting in July, the Council shall begin the process of determining whether the senior judges and court commissioners whose terms of office expire that year meet the standards of performance provided for in this rule. The Administrative Office of the Courts shall assemble all evaluation information, including:

(4)(A)(i) survey scores;

(4)(A)(ii) judicial education records;

(4)(A)(iii) self-declaration forms;

(4)(A)(iv) records of formal and informal sanctions;

(4)(A)(v) performance evaluations, if the commissioner or senior judge received an overall rating of Needs Improvement; and

(4)(A)(vi) any information requested by the Council.

(4)(B) **Records delivery.** Prior to the meeting the Administrative Office of the Courts shall deliver the records to the Council and to the senior judges and court commissioners being evaluated.

(4)(C) **July Council meeting closed session.** In a session closed in compliance with Rule 2-103, the Council shall consider the evaluation information and make a preliminary finding of whether a senior judge or court commissioner has met the performance standards.

(4)(D) **Certification presumptions.** If the Council finds the senior judge or court commissioner has met the performance standards, it is presumed the Council will certify the senior judge or court commissioner for reappointment. If the Council finds the senior judge or court commissioner did not meet the performance standards, it is presumed the Council will not certify the senior judge or court commissioner for reappointment. The Council may certify the senior judge or court commissioner or withhold decision until after meeting with the senior judge or court commissioner.

(4)(E) **Overcoming presumptions.** A presumption against certification may be overcome by a showing of good cause to the contrary. A presumption in favor of certification may be overcome by:

(4)(E)(i) reliable information showing non-compliance with a performance standard; or

(4)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

(4)(F) **August Council meeting.** At the request of the Council the senior judge or court commissioner challenging a non-certification decision shall meet with the Council in August. At the request of the Council the presiding judge shall report to the Council any meetings held with the senior judge or court commissioner, the steps toward self-improvement identified as a result of those meetings, and the efforts to complete those steps. Not later than 5 days after the July meeting, the Administrative Office of the Courts shall deliver to the senior judge or court commissioner being evaluated notice of the Council's action and any records not already delivered to the senior judge or court commissioner. The notice shall contain an adequate description of the reasons the Council has withheld its decision and the date by which the senior judge or court commissioner is to deliver written materials. The Administrative Office of the Courts shall deliver copies of all materials to the Council and to the senior judge or court commissioner prior to the August meeting.

(4)(G) **August Council meeting closed session.** At its August meeting in a session closed in accordance with Rule 2-103, the Council shall provide to the senior judge or court commissioner adequate time to present evidence and arguments in favor of certification. Any member of the Council may present evidence and arguments of which the senior judge or court commissioner has had notice opposed to certification. The burden is on the person arguing against the presumed certification. The Council may determine the order of presentation.

(4)(H) **Final certification decision.** At its August meeting in open session, the Council shall approve its final findings and certification regarding all senior judges and court commissioners whose terms of office expire that year.

(4)(I) **Communication of certification decision.** The Judicial Council shall communicate its certification decision to the senior judge or court commissioner.

268                   The Judicial Council shall communicate its certification decision for senior judges  
269                   to the Supreme Court and for court commissioners to the presiding judge of the  
270                   district the commissioner serves.

271   *Effective May/November 1, 20\_\_*

**Rule 4-905. Restraint of minors in juvenile court.**

**Intent:**

To provide for proper restraint of minors in juvenile court proceedings.

**Applicability:**

This rule applies to the juvenile court.

**Statement of the Rule:**

(1) Absent exigent circumstances, a minor, while present in a juvenile courtroom, shall not be restrained unless the court finds by a preponderance of the evidence that:

(1)(A) restraints are necessary to prevent physical harm to the minor or a third party present in the courtroom;

(1)(B) the minor is a flight risk;

(1)(C) the minor is currently in jail, prison or a secure facility as defined by Utah Code section 78A-6-105~~(36)~~;

(1)(D) the seriousness of the charged offense warrants restraints; or

(1)(E) other good cause exists for the minor to be restrained.

(2) Any person with an interest in the case may move the court to restrain a minor during court proceedings. The court shall permit all persons with a direct interest in the case the right to be heard on the issue of whether to restrain the minor.

(3) If the court orders that a minor should be restrained, the court shall reconsider that order at each future hearing regarding the minor.

(4) Ex parte communications that provide information on the criteria listed in paragraph (a) are not prohibited. However, the judge or commissioner shall notify all other parties of the communication as soon as possible and shall give them an opportunity to respond.

*Effective May/November 1, 20\_\_*

**~~Rule 10-1-202. Verifying use of jury.~~**

**~~Intent:~~**

~~To establish a procedure allowing attorneys to enter an appearance or request a trial setting by telephone.~~

~~To establish a procedure allowing attorneys to verify with the clerk's office, by telephone, the need for a jury in criminal cases.~~

**~~Applicability:~~**

~~This rule shall apply to the Second District Court in Class B and C misdemeanors and infractions.~~

**~~Statement of the Rule:~~**

~~(1) Defendants and/or their attorneys, who enter an appearance in a criminal case or request a trial setting by telephone, shall be deemed by the Court as having waived the filing of a formal Information and having agreed to proceed on the citation, unless the filing of an Information is specifically requested in writing.~~

~~(2) Defendants and/or their attorneys who demand a jury trial in a criminal case may file a written demand in accordance with the Rules of Criminal Procedure or, in the alternative, may request a jury trial and move the Court to waive the filing of the written demand upon assuming responsibility for verifying the need for a jury with the Clerk of the Court on the business day before commencement of the trial and stipulating that a failure to do so shall be construed by the Court as a waiver of a jury trial.~~

~~Effective May/November 1, 20\_\_~~

## Appendix F. Utah State Court Records Retention Schedule

### **(A) Definitions.**

(A)(1) **Appellate proceedings.** As applicable to the particular case:

(A)(1)(a) expiration of the time in which to file an appeal;

(A)(1)(b) completion of the initial appeal of right;

(A)(1)(c) completion of discretionary appeals; or

(A)(1)(d) completion of trial court proceedings after remittitur.

Appellate proceedings do not include collateral review, such as a petition for post conviction relief or a petition for writ of habeas corpus, although these petitions may themselves be the subject of appellate proceedings.

(A)(2) **Case file.** The compilation of documents pertaining to a case in the district court and justice court. The compilation of documents pertaining to an individual under the jurisdiction of the juvenile court.

(A)(3) **Case history.** Includes the docket, judgment docket, registry of judgments, register of actions and other terms used to refer to a summary of the parties and events of a case.

(A)(4) **Clerk of the court.** Includes all deputy clerks.

(A)(5) **Confidential records.** Records classified in accordance with the Title 63G, Chapter 2, Government Records Access and Management Act and Rule 4-202 et seq. of the Judicial Council as private, protected, juvenile, or sealed.

(A)(6) **Critical documents.** As applicable to the particular case:

(A)(6)(a) **Civil.** Final amended complaint or petition; final amended answer or response; final amended counterclaims, cross claims, and third party claims and defenses; home study or custody evaluation; jury verdict; final written opinion of the court, including any findings of fact and conclusions of law; final trial court order, judgment or decree; interlocutory order only if reviewed by an appellate

27 court; orders supplemental to the judgment and writs that have not expired;  
28 notice of appeal; transcripts; appellate briefs; final order, judgment or decree or  
29 any appellate court; case history.

30 (A)(6)(b) **Child abuse, neglect or dependency.** In addition to that which is  
31 required of civil cases, shelter hearing order; adjudication orders; disposition  
32 orders; reports of the Division of Child and Family Services; psychological  
33 evaluations; reports from treatment providers; motion for permanency hearing;  
34 response to motion for permanency hearing; petition for termination of parental  
35 rights; and response to petition for termination of parental rights.

36 (A)(6)(c) **Divorce and domestic relations.** In addition to that which is required of  
37 civil cases, petitions to modify or enforce a final order, judgment or decree and  
38 the final order entered as a result of that petition.

39 (A)(6)(d) **Felonies, including offenses by a minor in juvenile court.** All  
40 documents other than duplicates, subpoenas, warrants, orders to show cause,  
41 presentence investigation reports and notices of hearings.

42 (A)(6)(e) **Misdemeanors and infractions, including offenses by a minor in**  
43 **juvenile court.** Final amended citation or information; jury verdict; final written  
44 opinion of the court, including any findings of fact and conclusions of law; final  
45 trial court order, judgment or decree; notice of appeal; appellate briefs; final  
46 order, judgment or decree or any appellate court; case history.

47 (A)(6)(f) **Probate.** In addition to that which is required of civil cases, will admitted  
48 to probate; trust instrument; final accounting; reports, findings and orders  
49 regarding the mental competence of a person.

50 (A)(7) **Document.** Any pleading or other paper filed with or created by the court for a  
51 particular case, regardless of medium.

52 (A)(8) **Off-site storage.** Storage at the State Records Center under the control of the  
53 Division of State Archives.

54 (A)(9) **On-site storage.** Storage at the courthouse or any secure storage facility under  
55 the control of the court.

(A)(10) **Retention period.** The time that a record must be kept. The retention period is either permanent or for a designated term of months or years.

**(B) Case Records.**

(B)(1) **Objectives.** The objective of the records retention schedule is to maintain convenient access to the documents of the case and to the case history as necessary to the activity in the case. Even in a case in which judgment has been entered there may be substantial activity. In criminal cases, the court can expect affidavits alleging violations of probation and petitions for post conviction relief. In civil cases, the court can expect to issue writs, orders supplemental to the judgment and to conduct other proceedings to collect the judgment. In divorce cases, the court can expect petitions to modify the decree or to enforce visitation and support. This may mean more immediate access in particular cases. The objective of the records retention schedule is to guide the transfer of permanent records to off-site storage and the destruction on non-permanent records.

(B)(2) **Storage medium.** The decisions of what storage medium to use and when to use it are left to local discretion, needs and resources of the clerk of the court.

With proper training or by the Division of State Archives the clerk of the court may microfilm records. Given the sensitive nature of identifying information contained in court records, such as name, address, telephone number, and social security number of parties, witnesses and jurors, microfilming of court records by Utah Correctional Industries is prohibited. All microfilming shall be in accordance with the standards adopted by the Division. All microfilm developing and quality assurance checks shall be done by the Division. The Division of State Archives shall keep the original film and return a copy to the court.

The clerk of the court may scan documents to a digital image based on local needs and resources. Once scanned to a digital image, the document may be destroyed. Electronic documents may be printed and maintained in the case file.

(B)(3) **Storage location.** The Administrative Office of the Courts shall maintain all computer records. The clerk of the court shall store on site pending cases, closed cases



with significant post judgment activity, and cases with a retention period of less than permanent.

The clerk of the court shall not store case files with significant activity off-site. Records in which there is an order of alimony or child support, visitation or custody shall not be stored off-site until at least three years has expired from the date of the last activity in the case. Within these parameters, the decision to store permanent records on-site or off-site is left to local discretion, needs and resources. The state court records officer and the Division of State Archives may evaluate exceptions for courthouses with critically short storage problems. Records stored off-site shall be prepared in accordance with standards and instructions of the Division of State Archives. If a record stored off-site is needed at the courthouse, the record will be returned to the court for the duration of the need. The clerk of the court shall not return a record in which there is an order of alimony or child support, visitation or custody to off-site storage until at least three years after the last activity in the case.

(B)(4) **Critical documents.** At any time after the completion of appellate proceedings, the clerk of the court may remove from the case file and destroy all documents other than critical documents.

(B)(5) **The retention period in a criminal case begins as of the completion of the sentence.** The level of offense is determined by the offense of which the defendant is convicted or to which the offense is reduced under Utah Code Section 76-3-402. The retention period in a civil or small claims case begins as of the expiration or satisfaction of the judgment. The retention periods are for the following terms.

(B)(5)(a) **Permanent.** All case types not governed by a more specific designation; ~~the record of arraignment and conviction required by Rule 9-301;~~ prosecution as a serious youth offender.

(B)(5)(b) **10 years.** Third degree felonies; violations of Utah Code Section 41-6a-502 or Section 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that section; hospital liens; domestic violence misdemeanors within the scope of Utah Code Section 77-36-1.

114 (B)(5)(c) **5 years.** Administrative agency review; civil and small claims cases  
 115 dismissed with prejudice; forcible entry and detainer; investigative subpoenas;  
 116 ~~domestic violence misdemeanor within the scope of Utah Code Section 77-36-1;~~  
 117 post conviction relief or habeas corpus other than capital offenses and life without  
 118 parole; tax liens; temporary separation; worker's compensation; probable cause  
 119 statements and search and arrest warrants not associated with a case.

120 (B)(5)(d) **3 years.** Violations of Utah Code Section 53-3-231; violations of Utah Code  
 121 Section 76-5-303.

122 (B)(5)(e) **1 year.** Civil cases with a judgment of money only; extraditions;  
 123 misdemeanors and infractions classified as "mandatory appearance" by the Uniform  
 124 Fine and Bail Schedule; petitions to expunge an arrest record in which no charges  
 125 have been filed.

126 (B)(5)(f) **6 months.** Civil and small claims cases dismissed without prejudice;  
 127 misdemeanors and infractions classified as "non-mandatory appearance" by the  
 128 Uniform Fine and Bail Schedule; small claims cases with a judgment of money only.

129 (B)(6) **Retention period in Juvenile Court.** The retention period in a delinquency  
 130 petition or referral begins as of the completion of the sentence. The retention period in  
 131 other cases begins as of the expiration of the judgment. The retention periods are for the  
 132 following terms.

133 (B)(6)(a) **Permanent.** Adoptions; civil cohabitant abuse; orders terminating parental  
 134 rights; prosecution as serious youth offender; substantiation.

135 (B)(6)(b) **Until the youngest subject of the petition reaches age 28.** Abuse,  
 136 neglect and dependency; felonies.

137 (B)(6)(c) **Until the subject of the petition reaches age 18 and jurisdiction of the**  
 138 **court is terminated.** Misdemeanors and infractions other than non-judicial  
 139 adjustments; interstate compact.

140 (B)(6)(d) **10 years.** Violations of Utah Code Section 41-6a-502 or Section 41-6a-503,  
 141 or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that  
 142 section.

143 (B)(6)(e) **3 years.** Violations of Utah Code Section 53-3-231.

144 (B)(6)(f) **1 year.** Petitions to expunge an arrest record in which no charges have  
145 been filed.

146 (B)(6)(g) **6 months.** Non-judicial adjustment of referrals; misdemeanors and  
147 infractions classified as “non-mandatory appearance” by the Uniform Fine and Bail  
148 Schedule, such as fish and game violations; cases dismissed without prejudice.

149 (B)(7) **Retention period in Supreme Court and Court of Appeals.** The retention  
150 period for records in the Supreme Court and Court of Appeals is permanent.

151 (B)(8) **Special cases.**

152 (B)(8)(a) The retention period for foreign judgments, abstracts of judgment and  
153 transcripts of judgment is the same as for a case of the same type filed originally in  
154 Utah.

155 (B)(8)(b) The retention period for contempt of court is the same as for the underlying  
156 case in which the contempt occurred.

157 (B)(8)(c) The retention period in the juvenile court for records of the prosecution of  
158 adults is the same as for the corresponding offense in district or justice court.

159 (B)(9) **Case related records.** If the record is filed with the case file, it is treated as a  
160 non-critical document unless it is specifically included within the definition of a critical  
161 document. If the record is not filed with the case file then its retention period is  
162 determined in accordance with the following schedule:

163 (B)(9)(a) **Audio and video tapes and tape logs; court reporter notes.** For  
164 misdemeanors, infractions and small claims, 3 years from the date the record is  
165 created. Otherwise, 9 years from the date the record is created. Tapes shall not be  
166 reused.

167 (B)(9)(b) **Court calendars.** As determined by the clerk of the court based on local  
168 needs.

169 (B)(9)(c) **Confidential records.** Confidential records are retained for the same  
170 period as the case to which they apply, but they are filed and stored in such a  
171 manner as to protect their confidentiality.

172 (B)(9)(d) **Depositions.** 6 months after the close of appellate proceedings.

173 (B)(9)(e) **Exhibits.** Three months after disposition of the exhibit in accordance with  
174 Code of Judicial Administration 4-206.

175 (B)(9)(f) **Expunged records.** For the same time as though the record had not been  
176 expunged.

177 (B)(9)(g) **Indexes.** Permanent.

178 (B)(9)(h) **Jury lists and juror qualification questionnaires.** 4 years from  
179 completion of term of availability.

180 (B)(9)(i) **Case history.** Permanent.

181 (B)(10) **Record destruction.** Court records 50 years of age or older shall be reviewed  
182 for historical significance by the Division of State Archives prior to destruction. If a record  
183 is of historical significance, the Division will take possession. If a record is not of  
184 historical significance, the court shall manage the record in accordance with this  
185 schedule.

186 Paper documents shall be destroyed after expiration of the retention period or after  
187 copying the document to microfilm, digital image, or electronic medium. If documents are  
188 copied to microfilm, digital image, or electronic medium, the court may maintain the  
189 paper documents until such later time that convenient access to the case file can be  
190 achieved by means of microfilm or digital image. Each court is responsible for destroying  
191 records or making arrangements for destroying records. The court must comply with all  
192 laws applicable to the method of destruction. Confidential records must be shredded  
193 prior to destruction. Recycling is the preferred method of destruction. In addition, the  
194 court may destroy records by incineration or deposit in a landfill. If the court is unable to  
195 destroy records by these means, the court may arrange through the state court records  
196 officer to have records destroyed by the State Records Center, which may charge a fee.

**(C) Administrative Records.**

(C)(1) **Record storage, microfilming, imaging and destruction.** Administrative records shall be stored on-site. Administrative records may be microfilmed or scanned to a digital image based on local needs and resources.

(C)(2) **Retention period.** The retention period for administrative records is in accordance with the following schedule.

(C)(2)(a) **Accounting, audit, budget, and finance records.** 4 years from the date the record is created.

(C)(2)(b) **Final reports approved by the Judicial Council.** Permanent.

(C)(2)(c) **General counsel legal files.** 10 years from date the record is created.

(C)(2)(d) **Juror fee and witness fee payment records.** 4 years from date of payment.

(C)(2)(e) **Meeting minutes.** Permanent.

(C)(3) **Other Record Retention.** All administrative records not specifically listed in this record retention schedule will be retained, transferred or destroyed according to the appropriate court policy and procedure manual or the "Utah State Agency General Retention Schedule."

**(D) Email retention.**

(D)(1) **Incidental Personal Correspondence.** Correspondence that does not relate to the business of the courts. The sender and recipient should delete the email as soon as s/he has no more need for it.

(D)(2) **Transitory Correspondence.** Court-related correspondence that is transitory in nature and does not offer unique information about court functions or programs. These records include acknowledgment files and most day-to-day office and housekeeping correspondence. The sender and recipient should delete the email as soon as s/he has no more need for it.

(D)(3) **Policy and Program Correspondence.** Court-related correspondence that provides unique information about court functions, policies, procedures, or programs. These records document material discussions and decisions made regarding all court interests. The recipient should delete the email as soon as s/he has no more need for it. The sender must retain policy and program email for the same duration as the Utah State Archives Record Retention Schedule for a record of that type.

(D)(4) **The sender must retain policy and program correspondence in a reproducible medium separate from transitory messages.** The sender can do this by moving the email message to an electronic folder in the email system with an appropriate retention period or by copying the correspondence to another medium for retention, such as a web page, a saved file, or a printed document. If the sender copies the email to another medium for retention, s/he should delete the email.

(D)(5) **Email records of a terminated or transferred employee.**

(D)(5)(a) **Supervisor's or designee's responsibility.** If an employee is scheduled for termination or transfer, the employee's supervisor or designee will notify the Help Desk of the IT Division using the form provided by the Division. Upon termination or transfer, the supervisor or designee will review the employee's email. The supervisor or designee will retain policy and program correspondence of which the employee was the sender in accordance with paragraph (D)(3).

(D)(5)(b) **IT Division's responsibility.** If the employee is transferred, the IT Division will maintain the employee's email account at the new location. If the employee is terminated, the IT Division will:

~~1)(D)(5)(b)(i)~~ De-provision the user id and email account of the employee;

~~2)(D)(5)(b)(ii)~~ Remove authority to sign on to the court's computing network;

~~3)(D)(5)(b)(iii)~~ Remove authority to access the court's email account;

~~4)(D)(5)(b)(iv)~~ Remove the employee from group email lists; and

~~5)(D)(5)(b)(v)~~ Remove authority to access personal and network drives.

250           Upon receipt of notice of termination or transfer, the IT Division will retain the employee's  
251           email in its original form for 180 days from the date of termination or transfer. After 180  
252           days, the IT Division may back up the employee's email, delete the email account and  
253           recover and reuse the disk space. The IT Division will retain the back-up off site for one  
254           year from the date of deletion. If a terminated or transferred employee returns within 180  
255           days after the date of termination, the IT Division will reactivate the employee's email  
256           account.

257           (D)(6) **Litigation.** Upon notice of pending or potential litigation, the IT Division will retain the  
258           employee's email in the current format until notice that the litigation is complete or is no  
259           longer contemplated. At such time, the employee's email will be subject to this section (D).

260           *Effective: May/November 1, 20\_\_*

# Tab 12





Recommendations for revisions to the March 21, 2020 Administrative Order:

20. The March 21 order would remain as drafted.

21. The March 21 order would remain as drafted.

22. For hearings covered under paragraph 20, the parties are encouraged to resolve all matters by written motion. If a matter cannot be resolved by written motion, all hearings shall be held remotely. If a party desires an in-court hearing, a written request must be filed with an explanation as to why such a hearing is necessary and must explain in detail the exigent circumstances requiring an in-court hearing.

23. Any other hearing, matter or request, not covered in paragraph 20, may be heard by the court, either: (a) on the court's own motion; or (b) by written petition or motion submitted to the court. The courts and parties are encouraged to resolve all matters by written motion. For any matter covered under this paragraph, if a party desires either a remote hearing or an in-court hearing, the party must make their request in writing with an explanation as to why such a hearing is necessary and, if an in-court hearing is requested, explain in detail the exigent circumstances requiring an in-court hearing.

24. With respect to any court hearings or reports, any persons who provide information to the court shall obtain that information in a manner that is consistent with federal, state, and local law or directives and the policies and procedures of their agency or organization. In the event sufficient information cannot safely be obtained in this manner, the court shall continue that hearing until the information can be safely obtained.



# Tab 13





## Administrative Office of the Courts


Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

February 13, 2020

Hon. Mary T. Noonan  
State Court Administrator  
Cathy Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO:** Management Committee and Judicial Council

**FROM:**  Brent M. Johnson

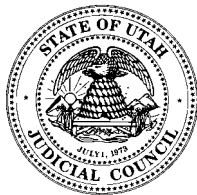
**RE:** Forms Committee Membership

The Forms Committee was established three years ago and the committee is now faced with the terms of six members expiring. Those members would like to serve another term. However, in order to avoid replacing all six members three years from now, the committee proposes that the Council reappoint the six members for staggered terms. The committee proposes that Judge James Taylor, a Fourth District Court judge, and Mary Westby, an appellate court staff attorney, be appointed to serve two more years. The committee proposes that Randy Dryer, the State Bar representative and current chair, and Guy Galli, the clerk of court representative, be appointed for three more years. And the committee proposes that Judge Elizabeth Lindsley, a Third District Juvenile Court judge, and Stewart Ralphs, the representative from a legal services organization, be appointed to serve four more years.

All these committee members have been actively engaged and have regularly attended Forms Committee meetings. Their input has been very valuable and the committee hopes the Judicial Council will reappoint all six, and for the periods proposed.

The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.

Agenda



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

April 3, 2020

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO:** Management Committee/Judicial Council

**FROM:** Tom Langhorne, Utah Judicial Institute

**RE:** Replacing two vacancies on the Standing Committee on Education

---

#### 1. Replacing juvenile court Judge Kim Hornak due to her retirement

Tom Langhorne reached out to the Juvenile Judges' Board seeking interested candidates to fill the vacancy. Four judges expressed interest (Judges Heward, Bazzelle, Dame and Morgan). The Board recommended Judge Kirk Morgan. His letter of interest is as follows:

February 19, 2020

Utah Judicial Council,

I would like to express my interest in replacing Judge Hornak as a juvenile judge on the Judicial Branch Education Committee. I am interested in helping the committee establish education policies and standards for the judiciary and staff. I am also excited to serve with other members of the judiciary and non-judicial professionals to set and accomplish educational goals for those who work in the judicial system.

At this point in time, my only other current committee assignment is on the Juvenile Judges Spring Conference Planning Committee.

Thank you,

Kirk Morgan  
First District Juvenile Judge

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

## **2. Replacing IT's Mary Barrientez on the Standing Committee on Education**

Tom Langhorne reached out to the AOC's IT department, via Heidi Anderson, seeking candidates interested in filling the committee's IT position vacancy caused by Ms. Barrientez' retirement. The department chose John Larsen, Program Manager, to fill that vacancy. His letter of interest is as follows.

To Whom It May Concern:

This letter is intended as my application for consideration as a member of the Education Committee. In my current role as the Program Manager for AOC-IT it is my job to design, plan, and implement our policies, systems, procedures, and technologies used by IT to accomplish our goals. A large part of that job is to coordinate staff education and training both for rollout of new items and updates on existing policies and procedures. In addition to that, it is also my responsibility to analyze and identify areas where we might benefit for training and documentation to improve current performance and meet new goals.

My systems monitoring and improvement goals extend beyond internal education. I am also responsible for improving the overall quality of our software offerings and the utilization of those offerings. This includes looking beyond just fixing bugs and adding new features. It also includes focusing on ways to get technical training and materials into the hands of our diverse users in whatever form works best: written updates, video training, inservice training or any other form that will improve the tools IT uses.

Finally, as part of the management team I am positioned to represent general IT needs and contributions and help coordinate the contributions of our staff.

Thanks for your consideration,

John Larsen





# Tab 14



# Agenda

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent  
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #:\_\_\_\_\_)  
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner  
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #:\_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p><b>Ten Day Summons</b> (Utah Rule of Civil Procedure 3 and 4)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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The State of Utah to

\_\_\_\_\_ (party's name):

A lawsuit has been filed against you. You must respond in writing by the deadline for the court to consider your side. The written response is called an Answer.

Se ha presentado una demanda en su contra. Si desea que el juez considere su lado, deberá presentar una respuesta por escrito dentro del periodo de tiempo establecido. La respuesta por escrito es conocida como la Respuesta.

### Call the court to see if a Complaint or Petition has been filed

The plaintiff must file the Complaint with the court within 10 days after service of this Summons on you.

If the complaint is not filed within that time, the case is considered to be dismissed and you do not need to file an answer.

Call the court at \_\_\_\_\_

(phone number)

at least 14 days after service of this Summons to ask if the Complaint has been filed. This is an action to:

\_\_\_\_\_  
(describe nature of action).

### Deadline!

Your Answer must be filed with the court and served on the other party **within 21 days** of the date you were served with this Summons.

If you do not file and serve your Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party can get what they asked for, and you do not get the chance to tell your side of the story.

### Read the complaint/petition

The Complaint or Petition has been filed with the court and explains what the other party is asking for in their lawsuit. Read it carefully.

### Si a la persona

[translate into Spanish]

Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición.

Call the court at \_\_\_\_\_

(phone number) at least 14 days after service of this Summons to ask if the Complaint has been filed. This is an action to:

\_\_\_\_\_  
(describe nature of action).

### ¡Fecha límite para contestar!

Su Respuesta debe ser presentada en el tribunal y también con la debida entrega formal a la otra parte **dentro de 21 días** a partir de la fecha en que usted recibió la entrega formal del Citatorio.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

### Lea la demanda o petición

La demanda o petición fue presentada en el tribunal y ésta explica lo que la otra parte pide. Léala cuidadosamente.

**Answer the complaint/petition**

You must file your Answer in writing with the court **within 21 days** of the date you were served with this Summons. You can find an Answer form on the court's website:

[www.utcourts.gov/howto/answer/](http://www.utcourts.gov/howto/answer/).

**Serve the Answer on the other party**

You must mail or hand deliver a copy of your Answer to the other party (or their attorney or licensed paralegal practitioner, if they have one) at the address shown at the top left corner of the first page of this Summons.

**Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

**Cómo responder a la demanda o petición**

Usted debe presentar su Respuesta por escrito en el tribunal **dentro de 21 días** a partir de la fecha en que usted recibió la entrega formal del Citatorio. En la página del tribunal [www.utcourts.gov/howto/answer/](http://www.utcourts.gov/howto/answer/) puede encontrar el formulario para la presentación de la Respuesta.

**Entrega formal de la respuesta a la otra parte**

Usted deberá enviar por correo o entregar personalmente una copia de su Respuesta a la otra parte (o a su abogado o asistente legal, si tiene) a la dirección localizada en la esquina izquierda superior de la primera hoja del citatorio.

**Cómo encontrar ayuda legal**

Para información sobre maneras de obtener ayuda legal, vea nuestra página de Internet **Cómo encontrar ayuda legal**. Algunas maneras de hablar con un abogado son por medio de una visita a un taller jurídico gratuito, o mediante el Centro de Ayuda. Estos talleres proveen información legal general y dan consejo legal breve. También hay ayuda legal a precios de descuento.

An Arabic version of this document is available on the court's website:

نسخة عربية من هذه الوثيقة على موقع المحكمة على الإنترنت: دجوت

[www.utcourts.gov/howto/filing/summons/docs/document\\_name\\_Arabic.pdf](http://www.utcourts.gov/howto/filing/summons/docs/document_name_Arabic.pdf)

A Simplified Chinese version of this document is available on the court's website.

本文件的□体中文版可在法院网站上找到：

[www.utcourts.gov/howto/filing/summons/docs/document\\_name\\_Chinese.pdf](http://www.utcourts.gov/howto/filing/summons/docs/document_name_Chinese.pdf)

A Vietnamese version of this document is available on the court's website:

Một bản tiếng Việt của tài liệu này có sẵn trên trang web của tòa:

[www.utcourts.gov/howto/filing/summons/docs/document\\_name\\_Vietnamese.pdf](http://www.utcourts.gov/howto/filing/summons/docs/document_name_Vietnamese.pdf)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

---

 Name

---

 Address

---

 City, State, Zip

---

 Phone

---

 Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Plaintiff's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

---

 Plaintiff

v.

---

 Defendant

**Small Claims Complaint**

(Utah Rule of Small Claims Procedure 2 and Utah Code 78A-8-101 et seq.)

---

 Case Number

---

 Judge

1. Defendant owes me:

This amount for what I described below.	\$
Plus, applicable attorney fees. (Attach statute or contract authorizing claim for attorney fees.)	\$
Subtotal (may not exceed \$11,000)	\$
Plus, the amount I paid to file this case.	\$
Plus, the amount I paid to have the papers served.	To be determined.
Total	\$

I also ask for pre-judgment interest.

2. Defendant owes me money because:



(Include facts and dates that support your claim)

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3. I am filing in this court because: (Choose at least one.)  
(Utah Code 78A-8-102)
- ☐ Defendant resides within the jurisdiction of the court.
- ☐ The events happened within the jurisdiction of the court.
4. I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct. (Utah Code 63G-7-501)
5. This is not an assigned claim. (Utah Code 78A-8-103)
6. I understand that if I am suing for property damage from a motor vehicle accident (such as the cost to repair my car), I can sue for bodily injuries in the same small claims action. I can also file a separate action for bodily injuries. Otherwise I have to join all of my claims against the defendant into one action. (Utah Code Section 78A-8-102).
7. ☐ I am filing this complaint in the First District Court for Cache County because:
- the defendant resides in unincorporated Cache County or in a municipality within Cache County that does not have a justice court, and
  - the events happened in unincorporated Cache County or in a municipality within Cache County that does not have a justice court.

### Plaintiff

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Plaintiff's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

**Small Claims Summons and Notice  
of Trial**

(Utah Rule of Small Claims Procedure 2)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

The State of Utah to

\_\_\_\_\_ (party's name):

You are summoned to appear at trial as detailed below.

Courthouse Address (Dirección del tribunal):

Date (Fecha): \_\_\_\_\_ Time (Hora): \_\_\_\_\_ ☐ a.m. ☐ p.m.

Room (Sala): \_\_\_\_\_

Judge (Juez): \_\_\_\_\_

A small claims case has been filed against you. A trial will be held at the date, time and place shown above. The trial is your chance to tell your side of the story.

You have the right to be represented by a lawyer.

If you do not come to the trial, judgment may be entered against you for the total amount claimed.

You can find small claims information at [www.utcourts.gov/howto/smallclaims/](http://www.utcourts.gov/howto/smallclaims/).

### **Read the complaint**

The complaint explains what the other party is asking for in their lawsuit. Read it carefully.

### **Evidence**

Bring with you any evidence that you want the court to consider. This includes witnesses, photographs, documents, and other things that support your side of the story.

### **Interpretation**

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

### **ADA Accommodation**

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

### **Right to Jury Trial**

Se le cita a comparecer a juicio para responder al reclamo arriba descrito. El juicio tendrá lugar en la dirección del tribunal que se muestra arriba. Si usted no comparece, se podría dictar un fallo contra usted por el total de la cantidad reclamada.

Un caso de reclamos menores ha sido presentado contra usted. Esto le impone a usted ciertos derechos y obligaciones. Usted puede encontrar información e instrucciones sobre reclamos menores en [www.utcourts.gov/howto/smallclaims/index-sp.asp](http://www.utcourts.gov/howto/smallclaims/index-sp.asp).

### **Lea la demanda o petición**

La demanda o petición fue presentada en el tribunal y ésta explica lo que la otra parte pide. Léala cuidadosamente.

### **Pruebas**

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.  
(Spanish translation is not correct)

### **Interpretación**

Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.

### **Adaptación o Arreglo en Caso de Discapacidad**

Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.

### **El derecho a juicio por jurado.**

If you want to have a jury trial in this case, you must file documents to remove the case to district court. You can find information about that process and forms at:  
**[www.utcourts.gov/howto/smallclaims/](http://www.utcourts.gov/howto/smallclaims/)**.

### **Finding help**

The court's Finding Legal Help web page (**[www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)**) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Si usted quiere tener un juicio con jurado, usted deberá presentar documentos pidiendo que el caso sea transferido al tribunal de distrito. Vea la página de internet de Reclamos Menores para más información sobre el proceso y formularios:  
**[www.utcourts.gov/howto/smallclaims/index-sp.asp](http://www.utcourts.gov/howto/smallclaims/index-sp.asp)**.

### **Cómo encontrar ayuda legal**

Para información sobre maneras de obtener ayuda legal, vea nuestra página de Internet Cómo encontrar ayuda legal. Algunas maneras de hablar con un abogado son por medio de una visita a un taller jurídico gratuito, o mediante el Centro de Ayuda. Estos talleres proveen información legal general y dan consejo legal breve. También hay ayuda legal a precios de descuento.

\_\_\_\_\_  
 Date

Signature ► \_\_\_\_\_

Court Clerk \_\_\_\_\_

---

 Name

---

 Address

---

 City, State, Zip

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 Phone

---

 Email

I am ☐ Defendant ☐ Defendant's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

---

 Plaintiff

---

 v.

---

 Defendant

**Small Claims Counter Complaint  
and Notice to Plaintiff**

(Utah Rule of Small Claims Procedure 4)

---

 Case Number

---

 Judge

1. Plaintiff owes me:

This amount for what I described below.	\$
Plus, applicable attorney fees. (Attach statute or contract authorizing claim for attorney fees.)	\$
Subtotal (may not exceed \$11,000)	\$
Plus, the amount I paid to file this case.	\$
Total	\$

I also ask for pre-judgment interest.

2. Plaintiff owes me money because:  
(Include facts and dates that support your claim)

- 
- 
- 
- 
- 
- 
- 
- 
3. I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct. (Utah Code 63G-7-501)
  4. This is not an assigned claim. (Utah Code 78A-8-103)
  5. I understand that if I am suing for property damage from a motor vehicle accident (such as the cost to repair my car), I can sue for bodily injuries in the same small claims action. I can also file a separate action for bodily injuries. Otherwise I have to join all of my claims against the defendant into one action. (Utah Code Section 78A-8-102).
  6. I understand I have the right to move this case to the district court where I could ask for a jury trial. By deciding to keep this case in the justice court, I waive my right to a jury trial.

### Defendant

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

### Attorney or Licensed Paralegal Practitioner of record (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

## Notice to Plaintiff

To:

Para:

Plaintiff Name and Address

Nombre y dirección del Demandante

You must appear at trial to answer the above counterclaim. **If you fail to appear, judgment may be entered against you for the total amount claimed.**

Se le cita a comparecer a juicio para responder al reclamo arriba descrito. **Si usted no comparece, se podría dictar un fallo contra usted por el total de la cantidad reclamada.**

(Spanish translation is not correct)

The original trial date  
☐ has not changed  
☐ has been changed to:

La fecha original para juicio  
☐ no ha sido cambiada  
☐ ha sido cambiada para:

Courthouse Address (Dirección del tribunal):

Date (Fecha): \_\_\_\_\_ Time (Hora): \_\_\_\_\_ ☐ a.m. ☐ p.m.

Room (Sala): \_\_\_\_\_

Judge (Juez): \_\_\_\_\_

A counterclaim has been filed against you. This imposes upon you certain rights and responsibilities. You can find small claims information and instructions at [www.utcourts.gov/howto/smallclaims/](http://www.utcourts.gov/howto/smallclaims/).

### Attendance

You must attend. If you do not attend, the relief requested might be granted. You have the right to be represented by a lawyer.

Un contrademanda ha sido presentado contra usted. Esto le impone a usted ciertos derechos y obligaciones. Usted puede encontrar información e instrucciones sobre reclamos menores en [www.utcourts.gov/howto/smallclaims/](http://www.utcourts.gov/howto/smallclaims/).

### Asistencia

Presentarse es obligatorio. Si usted no llegara a presentarse, la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.



**Evidence**

Bring with you any evidence that you want the court to consider. This includes witnesses, photographs, documents, and other things that support your side of the story.

**Interpretation**

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

**ADA Accommodation**

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

**Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

**Pruebas**

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

(Spanish translation is not correct)

**Interpretación**

Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.

**Adaptación o Arreglo en Caso de Discapacidad**

Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.

**Cómo encontrar ayuda legal**

La página de la internet del tribunal Cómo encontrar ayuda legal ([www.utcourts.gov/howto/legalassist/index-sp.html](http://www.utcourts.gov/howto/legalassist/index-sp.html)) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

\_\_\_\_\_

Date

Signature ►

\_\_\_\_\_

Clerk's Printed Name

**Clerk's Certificate of Service**

I certify that I mailed a copy of this document to the following people.

Person's Name	Service Address	Service Date

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Clerk's Printed Name \_\_\_\_\_

---

 Name

---

 Address

---

 City, State, Zip

---

 Phone

---

 Email

---

 In the Justice Court of Utah

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 \_\_\_\_\_ Judicial District \_\_\_\_\_ County

---

 Court Address \_\_\_\_\_

---

 Plaintiff

---

 v.

---

 Defendant

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**Judgment**  
 (Small Claims)

---

 Case Number

---

 Judge

### 1. **Hearing**

A hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

Plaintiff

☐ was present    ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Defendant

☐ was present    ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed, the court orders judgment as follows.

2. On plaintiff's claim, the court enters judgment for:

☐ Plaintiff

Principal	\$
Attorney fees (if represented by counsel and if authorized by contract or statute)	\$
Subtotal (may not exceed \$11,000)	\$
Pre-judgment interest	\$
Filing fee	\$
Service fee	\$
Total	\$

☐ at \_\_\_\_\_ % interest per year (the current state post-judgment rate) OR

☐ at \_\_\_\_\_ % interest per year (pursuant to the contract between the parties)

☐ Defendant

3. ☐ On defendant's counterclaim, the court enters judgment for:

☐ Defendant

Principal	\$
Attorney fees (if represented by counsel and if authorized by contract or statute)	\$
Subtotal (may not exceed \$11,000)	\$
Pre-judgment interest	\$
Filing fee	\$
Service fee	\$
Total	\$

☐ at \_\_\_\_\_ % interest per year (the current state post-judgment rate) OR

☐ at \_\_\_\_\_ % interest per year (pursuant to the contract between the parties)

☐ Plaintiff

4. The court further orders:

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Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ►

\_\_\_\_\_  
Judge

### Clerk's Certificate of Service

I certify that I hand-delivered a copy of this document to the following people.

Person's Name	Service Address	Service Date

\_\_\_\_\_  
 Date

Signature ► \_\_\_\_\_

Clerk's Printed Name \_\_\_\_\_

### Party's Certificate of Service

(Completed by the party if the clerk was unable to serve.)

I certify that I mailed or emailed a copy of this document to the following people.

Person's Name	Service Address	Service Date

\_\_\_\_\_  
 Date

Signature ► \_\_\_\_\_

Party's Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
Email

I am ☐ Plaintiff ☐ Defendant  
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Plaintiff's Licensed Paralegal Practitioner  
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

**Notice of Appeal**  
 (Small Claims)  
 (Utah Rule of Small Claims Procedure 12)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

1. The justice court issued a final judgment on \_\_\_\_\_ (date).
2. I request a new trial in the district court.

**Plaintiff or Defendant**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_



### Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Appeal – Small Claims Case on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name

---

 Name

---

 Address

---

 City, State, Zip

---

 Phone

**Check your email.** You will receive information and documents at this email address.

---

 Email

I am ☐ Petitioner ☐ Respondent  
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner  
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

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In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

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 Petitioner

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 v.

---

 Respondent

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**Request to Join the Office of  
Recovery Services (ORS)**

(Utah Code 78B-12-113(2)(b)(i))

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 Case Number

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 Judge

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 Commissioner

To the Child Support Division of the Office of the Attorney General,

1. Enclosed is my Petition or Counterpetition.
2. Child support services under Title IV of the Social Security Act have been or are being provided through the Utah Office of Recovery Services and on behalf of a child who is the subject of this action.
3. I ask ORS to join this action.

**Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Request to Join the Office of Recovery Services (ORS) on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name

---

 Name

---

 Address

---

 City, State, Zip

---

 Phone

**Check your email.** You will receive information and documents at this email address.

---

 Email

I am ☐ Petitioner ☐ Respondent  
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner  
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Petition to Modify Child Custody,  
Parent-time and Child Support**  
 (Utah Rule of Civil Procedure 106)

**☐ and Stipulation**

---

 Petitioner

v.

---

 Respondent

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 Case Number

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 Judge

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 Commissioner

I ask the court to modify the child custody, parent-time and child support orders as follows.

1. **Controlling order**

The order controlling child custody, parent-time and child support is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. **Controlling custody order**

(Required.)

☐ I have attached a copy of the current order.

3. **Jurisdiction (Authority to Modify Order)**

(Note: an order could be registered in another state, but that does not always mean the other state has jurisdiction to modify or change the order.)

The children reside:

Child's name	Where child resides (state or country)	Lived there more than 6 months?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

The petitioner resides in: \_\_\_\_\_ (state or country).

The respondent resides in: \_\_\_\_\_ (state or country).

The controlling order was issued by (Choose one.):

☐ a Utah court, and  
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to another state.

That court has always maintained the case

No other court has ever expressed a willingness to change the order

Jurisdiction has always remained with this court.

☐ jurisdiction **has** been transferred to another state.

Name of court: \_\_\_\_\_ Date transferred: \_\_\_\_\_

☐ other (Describe what has happened with the order):

\_\_\_\_\_

**OR**

☐ a non-Utah court, and  
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to Utah.

☐ jurisdiction **has** been transferred to Utah. Date: \_\_\_\_\_.

☐ the order **has** been registered in Utah for enforcement purposes only.

☐ there is substantial evidence in Utah about the children's care,  
protection, training, and personal relationships.

☐ other courts have made a decision about jurisdiction and a copy of that  
order is attached to this petition.

☐ other (Describe what has happened with the order):

\_\_\_\_\_

#### 4. **Relationship to children**

I am the (Choose all that apply.):

☐ person who pays child support.

☐ person who receives child support.

I am

☐ the mother of

☐ the father of

☐ the legal guardian or legal custodian of

☐ a person who has been acting as a parent (Utah Code 30-5a-103) to  
the children listed below.

**5. Minor children**

There are \_\_\_\_\_ (number) minor children included in the controlling order.

Child's name (first, middle and last)	Child's gender	Month and year of birth

**6. Current living arrangement**

The children are currently living (Choose one.):

☐ as stated in the controlling order.

☐ as described below:

Child's name	Address (street, city, state, ZIP)	Name(s) of person(s) who live with child at this address	Relation- ship(s) to child

**7. Minor children's residence** (Utah Code 78B-13-209)

The minor children have lived at the following addresses with the persons listed below for the past five years:

(Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relation- ship(s) to child



Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

8. **People claiming custody or parent-time** (Utah Code 78B-13-209)

The following people other than petitioner and respondent claim a right to custody or parent-time with the children:

Name of Person	Current Address	Claims
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time

9. **Other cases** (Utah Rule of Civil Procedure 100)

☐ There are no other cases that involve(d) the children or this case.

☐ The following cases involve(d) the children or this case:

(Include pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state. Each party has a continuing duty to notify the court of any case (past, current, or future) that could affect this case.)

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

Court (Name, address, and phone number)	
--	--

Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

10. **Pre-filing dispute resolution** (Utah Code 30-3-10.4(1)(c))

(Choose one.)

- ☐ The other party agrees with the petition.
- ☐ Dispute resolution was not required because this petition seeks to modify a court order that does not provide for joint legal custody or joint physical custody.
- ☐ Both parents have complied in good faith with the dispute resolution process but we did not reach an agreement.
- ☐ The parties have not yet used a dispute resolution process.

11. **Controlling parent-time order**

The parent-time schedule in the controlling order is (Choose one.):

- ☐ according to the attached statutory parent-time schedule.
- ☐ described in the attached controlling Parenting Plan.
- ☐ described as follows in the controlling order (Quote the order exactly.):

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## Child Custody

### 12. **Change in circumstances** (Utah Code 30-3-10.4)

The following material and substantial change in circumstances occurred since the controlling order was entered:

(Describe in detail the material and substantial changes (important and major changes). Attach additional pages if needed.)

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### 13. **Proposed custody order**

A joint physical or legal custody arrangement requires a separate Parenting Plan.

A joint physical custody arrangement may result in denial of cash assistance.

(Employment Support Act, Utah Code 35A-3-101 et seq.)

I ask for the following change in the custody order:

Child's Name	Month and Year of Birth	Order physical custody to	Order legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other Custody Arrangement (Describe in detail.):

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## Parent-time

### 14. Parent-time schedule

I ask the court to order parent-time as below (Choose one.):

- ☐ Statutory parent-time schedule:  
 (Choose all that apply. You can find the Utah Code at [le.utah.gov/xcode/code.html](http://le.utah.gov/xcode/code.html). Print and attach a copy of the statute(s) for the option(s) you choose.)
- ☐ Children under 5 (Utah Code 30-3-35.5)
- ☐ Children 5-18 (Utah Code 30-3-35)
- ☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)
- ☐ Relocation (Utah Code 30-3-37)
- ☐ Parent-time described in the filed or attached Parenting Plan.
- ☐ Other parent-time schedule (Describe in detail.):

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### 15. Parent-time transfers

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time as below (Choose one.):

- ☐ Order transfer of the children for parent-time described in the filed or attached Parenting Plan.
- ☐ Order transfer at **beginning** of parent-time with
- ☐ petitioner
- ☐ respondent
- ☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

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and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

\_\_\_\_\_

☐ Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Parent-time transportation costs

16. I ask parent-time transportation costs be divided as follows (Choose one):

☐ Relocation statute (Utah Code 30-3-37(12)).

☐ Other costs divided as follows (Attach additional pages if needed.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. I ask reimbursement of transportation costs be done as follows: (Choose one.)

☐ The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

☐ Other provisions regarding reimbursement as follows (Attach additional pages if needed.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. ☐ **Communication between parties**

I ask the court to order communication between the parties as described below  
(Choose as many options as you want.):

☐ In person

☐ Phone

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Text

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Email

Petitioner's email address \_\_\_\_\_

Respondent's email address \_\_\_\_\_

☐ Through a third party

Name \_\_\_\_\_ Phone # \_\_\_\_\_

☐ Other method of communication: (Describe in detail.)

\_\_\_\_\_

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

19. ☐ **Travel costs.**

(Check this box and complete this section only if you are asking for a change in travel costs.)

I ask the court to order travel cost payments for parent-time transfers as follows  
(Choose one.):

- ☐ as we agree in the attached Parenting Plan.
- ☐ as proposed in my attached Parenting Plan.
- ☐ each party is responsible for their own travel costs.
- ☐ \_\_\_\_\_% by the Petitioner and \_\_\_\_\_% by the Respondent.  
The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.
- ☐ Other:

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**20. ☐ Relocation of a parent**

(Check this box and complete this section only if you are asking for a change in relocation terms.)

I ask the court to order:

- ☐ If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.
- ☐ Neither parent may relocate with the minor children more than \_\_\_\_\_ miles from their current residence without a written agreement signed by the parties or further court order.
- ☐ Other terms about relocating:

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**21. Best interest** (Utah Code 30-3-10 and 30-3-10.4)

It is in the best interest of the children to change custody and parent-time because (Explain in detail.):

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## Child Support

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### 22. Child support – reasons to modify

I ask that child support be modified because (Choose all that apply.):

- ☐ The order has not been modified within the last three years, and
- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
  - the difference is not temporary.
- ☐ There are one or more material changes that affect the child support calculation. I used the child support worksheet and there is a difference of 15% or more from the current support order. The difference is not temporary. There is a change (Choose all that apply.):
- ☐ in custody.
- ☐ in the relative wealth or assets of the parties.
- ☐ of 30% or more in the income of a parent.
- ☐ in the employment potential and ability of a parent to earn.
- ☐ in the medical needs of the child.
- ☐ in the legal responsibilities of a parent for the support of others.

(Utah Code 78B-12-210(9))

- ☐ \_\_\_\_\_ (child's name) is emancipated.
- ☐ there has been a change:  
(At least one must apply, but choose all that do apply.)
- ☐ in the availability, coverage, or reasonableness of cost of health care insurance of the ☐ payor ☐ payee;
- ☐ in work-related or education-related child care expenses of the ☐ payor ☐ payee.

### 23. Current child support order

The controlling order directs ☐ petitioner ☐ respondent to pay  
\$ \_\_\_\_\_ each month for child support.



24. **Proposed child support**

I ask the court to modify child support based on the parties' incomes or estimated income based on ability or work history.

a. **Petitioner's Income**

Petitioner's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

This income is from these sources:

\_\_\_\_\_.

☐ The court should consider petitioner's income to be \$\_\_\_\_\_ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

b. **Respondent's income**

Respondent's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

This income is from these sources:

\_\_\_\_\_.

☐ The court should consider respondent's income to be \$\_\_\_\_\_ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

c. **Child support worksheets**

Order ☐ petitioner ☐ respondent to pay \$\_\_\_\_\_ per month for child support. The following child support worksheet is filed or attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

**d. Statement of compliance with child support guidelines**

(Choose one.)

- ☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).
- ☐ This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):
- ☐ the guidelines are unjust.
  - ☐ the guidelines are inappropriate.
  - ☐ the guidelines amount is not in the best interest of the child/ren.
- (Utah Code 78B-12-202 and 210.)

Explain your choice:

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**e. Effective Date**

Child support should be effective (Choose one.):

- ☐ the first day of the month following entry of the Order on Petition to Modify.
- ☐ as of: \_\_\_\_\_ (date).

**f. Method of payment**

Child support should be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services (ORS). Unless ORS gives notice that payments should be sent elsewhere, all child support payments should be made to:

Office of Recovery Services  
PO Box 45011  
Salt Lake City, UT 84145

- ☐ Direct payments to the parent receiving child support by (Choose one.):
- ☐ Check
  - ☐ Deposit in bank account
  - ☐ Cashier's check or money order
  - ☐ Other: \_\_\_\_\_

I ask for direct payment because (Utah Code 62A-11-404):

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**g. Payment schedule**

Child support payments must be paid by the following due date (Choose one.):

☐ One half by the 5th day of each month, and the other half by the 20th day of each month.

☐ Other:

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**h. Delinquent payments**

Child support not paid by the due date is delinquent the next day.

**i. Past-due child support**

The issue of past-due child support may be decided by further judicial or administrative process.

If support is past due, the State of Utah may take federal or state tax refunds or rebates and apply the amounts to the child support owed.

25. ☐ **Child care expenses** (Utah Code 78B-12-214)

(Check this box and complete this section only if you are asking to change payment of child care costs.)

I ask the court to order:

- Both parties share equally all reasonable child care expenses related to the custodial parent's work or occupational training.
- The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.
- If the parent who pays child care expenses does not provide written verification of child care, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.
- The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the

child care expense.

☐ Other request for child care payment:

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## Other Support

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26. ☐ **Health insurance, medical and dental expenses** (Utah Code 78B-12-212)

(Check this box and complete this section only if you are asking for a change in health insurance coverage.)

Our minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid
- ☐ CHIP
- ☐ Other: \_\_\_\_\_
- ☐ Not covered by insurance

☐ I ask the court to order ☐ petitioner ☐ respondent to maintain health insurance for our minor children. Both parties must share equally:

- the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium should be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
- all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

☐ I ask for this order because (Choose all that apply.):

☐ the insurance is available to ☐ petitioner ☐ respondent;

☐ the cost of the insurance is reasonable

☐ the custodial parent prefers this arrangement.

☐ Other reasons:

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☐ I ask for these additional orders regarding health insurance and medical and dental expenses:

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27. ☐ **Claiming children as dependents/exemptions for tax purposes** (Utah Code 78B-12-217)

(Choose one.)

☐ \_\_\_\_\_ (name)  
will claim the children as dependents/exemptions for tax purposes.

☐ \_\_\_\_\_ (name)  
will claim the children as dependents/exemptions for tax purposes in  
**even years**, and

\_\_\_\_\_ (name) will

claim the children as dependents/exemptions for tax purposes in **odd years**.

- ☐ claiming children as dependents/exemptions for tax purposes will be divided as follows:

Child's name	Month and year of birth	Parent who will claim child as dependent / exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

- ☐ Other:

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28. ☐ **Attorney fees and costs**

I ask the court to order the other party pay my attorney fees and costs.

29. ☐ **Other**

I ask the court for these additional orders:

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I ask for these additional orders because:

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30. **Remainder of order unchanged**

The remainder of the order should remain unchanged.

31. **Declaration about child support services** (Utah Code 78B-12-113(2)(b))  
(Child support services include establishing, modifying or enforcing child support, or establishing paternity.)

The Office of Recovery Services (Choose one.):

☐ has never provided child support services for any child listed in paragraph 5.

☐ has or is providing child support services for any child listed in paragraph 5.  
I will serve on the Attorney General:

- a copy of this petition, and
- the Stipulation to the petition, if any, and
- Notice to Child Support Division of the Office of the Attorney General and Request to Join

32. **Documents**

I am filing the following documents along with this Petition to Modify Child Custody, Parent-time and Child Support:

(Check all that apply. Forms can be found at [www.utcourts.gov](http://www.utcourts.gov).)

☐ Cover Sheet

☐ Summons

☐ Non-public Information – Parent Information and Location

☐ Non-public Information – Minors

☐ Non-public Information – Safeguarded Address (if applicable)

☐ Notice of Disclosure Requirements in Domestic Relations Cases

☐ Notice to Child Support Division of the Office of the Attorney General and Request to Join (if applicable; also serve on the Attorney General)

☐ Child Support Obligation Worksheet

☐ Parenting Plan (Required if joint custody is requested.)

**Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____



**Stipulation (optional)**

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I am the [ ] petitioner [ ] respondent and the party responding to this Petition to Modify Child Custody, Parent-time and Child Support.

1. I have received and read the petition and its supporting documents.
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer, and have the court decide the issues.
4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter and I enter my appearance for that purpose.
6. I agree to the requests in the petition.
7. I agree the court may enter an order of modification consistent with the petition at any time and without further notice.

**Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record (if applicable)**

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

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 Name

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 Address

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 City, State, Zip

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 Phone

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 Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Petitioner	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> <b>Order on Petition to Modify Child Custody, Parent-time and Child Support</b> (Utah Rule of Civil Procedure 106)
v.	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Case Number
<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Respondent	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Judge
	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Commissioner

The matter before the court is a Petition to Modify Child Custody, Parent-time and Child Support. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of    ☐ petitioner    ☐ respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

Petitioner

☐ was    ☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

**The court orders:**

1. The petition is:

☐ denied.

☐ granted. The controlling order dated \_\_\_\_\_ (date) is modified as follows.

2. ☐ **Child custody**

☐ Custody arrangement:

Child's name	Month and year of birth	Physical custody to	Legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

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3. ☐ **Parent-time schedule** (Choose one.):

☐ Statutory parent-time schedule:

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ **Relocation** (Utah Code 30-3-37)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

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4. ☐ **Parent-time transfers** (Choose one.):

☐ Transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

\_\_\_\_\_

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

\_\_\_\_\_

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### **Parent-time transportation costs**

5. Parent-time transportation costs be divided as follows (Choose one):

☐ Relocation statute (Utah Code 30-3-37(12)).

☐ Other costs divided as follows (Attach additional pages if needed.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Reimbursement of transportation costs be done as follows: (Choose one.)

☐ The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

☐ Other provisions regarding reimbursement as follows (Attach additional pages if needed.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. ☐ **Communication between parties** (Choose all that apply.):

☐ In person

☐ Phone

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Text

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Email

Petitioner's email address \_\_\_\_\_

Respondent's email address \_\_\_\_\_

☐ Through a third party

Name \_\_\_\_\_ Phone # \_\_\_\_\_

☐ Other method of communication: (Describe in detail.)

\_\_\_\_\_

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

8. ☐ **Travel costs.**

Travel cost payments for parent-time transfers as follows (Choose one.):

☐ as we agree in the attached Parenting Plan.

☐ as proposed in my attached Parenting Plan.

☐ each party is responsible for their own travel costs.

☐ \_\_\_\_\_ % by the Petitioner and \_\_\_\_\_ % by the Respondent.

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

☐ Other:

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9. ☐ **Relocation of a parent**

☐ If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.

☐ Neither parent may relocate with the minor children more than \_\_\_\_\_ miles from their current residence without a written agreement signed by the parties or further court order.

☐ Other terms about relocating:

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10. ☐ **Child support**

a. Petitioner's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

☐ Petitioner's income is imputed based on:

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

b. Respondent's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

☐ Respondent's income is imputed based on:

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

- c. ☐ Petitioner ☐ Respondent must pay \$\_\_\_\_\_ per month for child support. The following child support worksheet is attached (Choose one.):

- ☐ sole physical custody worksheet
- ☐ joint physical custody worksheet
- ☐ split custody worksheet

(Choose one.)

- ☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).
- ☐ This amount deviates from the Uniform Child Support Guidelines. The court finds that a deviated child support amount is in the best interests of the minor children based on:
  - ☐ the standard of living and situation of the parties.
  - ☐ the relative wealth and income of the parties.
  - ☐ the obligor's (person who pays support) ability to earn.
  - ☐ the ability of the obligee (person who receives support) to earn.
  - ☐ the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.
  - ☐ the needs of the obligee, the obligor, and the child.
  - ☐ the ages of the parties.
  - ☐ the responsibilities of the obligor and the obligee for the support of others.
  - ☐ other. (Describe.):  
\_\_\_\_\_

The reason for the deviated child support amount is:

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- d. Effective date (Choose one.):

- ☐ The child support will be effective upon entry of this order.

**OR**



☐ The child support will be effective as of this date: \_\_\_\_\_.

e. Child support must be paid as follows (Choose one.):

☐ Mandatory income withholding by the Office of Recovery Services.  
Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

**OR**

☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: \_\_\_\_\_

f. Child support payments must be made (Choose one.):

☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

**OR**

☐ Other payment arrangement:

\_\_\_\_\_

g. Child support not paid on or before the due date is past due on the day after the due date.

h. Past-due child support will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

**11. ☐ Child care expenses**

- Both parties share equally all reasonable child care expenses related to the custodial parent's work or occupational training.
- The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

- If the parent who pays child care expenses does not provide written verification of child care, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.
- The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other order for child care payment:

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12. ☐ **Health insurance, medical and dental expenses**

The minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid
- ☐ CHIP
- ☐ Other: \_\_\_\_\_
- ☐ Not covered by insurance

☐ ☐ Petitioner ☐ Respondent must maintain health insurance for the minor children if it is available to that parent at a reasonable cost. Both parties must share equally:

- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
- b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30

calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification must reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

☐ Other order for health insurance, medical and dental expenses:

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13. ☐ **Claiming children as dependents/exemptions for tax purposes** (Utah Code 78B-12-217)

(Choose one.)

☐ \_\_\_\_\_ (name)  
will claim the children as dependents/exemptions for tax purposes.

☐ \_\_\_\_\_ (name)  
will claim the children as dependents/exemptions for tax purposes in **even years**, and

\_\_\_\_\_ (name) will  
claim the children as dependents/exemptions for tax purposes in **odd years**.

☐ claiming children as dependents/exemptions for tax purposes will be divided as follows:

Child's name	Month and year of birth	Parent who will claim child as dependent / exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other:

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14. ☐ **Attorney fees and costs**

☐ Petitioner ☐ Respondent must pay \$\_\_\_\_\_ in attorney fees and \$\_\_\_\_\_ in costs.

15. ☐ **Other orders**

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16. **Remainder of order unchanged**

The provisions of any previous order not modified by this order remain in effect.

Commissioner's or judge's signature may instead appear at the top of the first page of this document.

<hr/> Date	Signature ►	<hr/>
	Commissioner	<hr/>
<hr/> Date	Signature ►	<hr/>
	Judge	<hr/>

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal Practitioner	_____

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition to Modify Child Custody, Parent-time and Child Support on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name

---

 Name

---

 Address

---

 City, State, Zip

---

 Phone

**Check your email.** You will receive information and documents at this email address.

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 Email

I am ☐ Petitioner ☐ Respondent  
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner  
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<hr/> Petitioner  v.  <hr/> Respondent	<p><b>Petition to Modify Parent-time</b>          (Utah Rule of Civil Procedure 106)</p> <p><b><input type="checkbox"/> and Stipulation</b></p> <hr/> Case Number  <hr/> Judge  <hr/> Commissioner
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I ask the court to modify the parent-time orders as follows. I am not asking to modify child custody or child support.

1. **Controlling order**

The order controlling parent-time is:

Title of order:	
-----------------	--

Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. **Controlling parent-time order**

(Required.)

☐ I have attached a copy of the current order.

3. **Jurisdiction (Authority to Modify Order)**

(Note: an order could be registered in another state, but that does not always mean the other state has jurisdiction to modify or change the order.)

The children reside:

Child's name	Where child resides (state or country)	Lived there more than 6 months?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

The petitioner resides in: \_\_\_\_\_ (state or country).

The respondent resides in: \_\_\_\_\_ (state or country).

The controlling order was issued by (Choose one.):

☐ a Utah court, and  
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to another state.

That court has always maintained the case

No other court has ever expressed a willingness to change the order

Jurisdiction has always remained with this court.



☐ jurisdiction **has** been transferred to another state.

Name of court: \_\_\_\_\_ Date transferred: \_\_\_\_\_

☐ other (Describe what has happened with the order):  
\_\_\_\_\_

**OR**

☐ a non-Utah court, and  
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to Utah.

☐ jurisdiction **has** been transferred to Utah. Date: \_\_\_\_\_.

☐ the order **has** been registered in Utah for enforcement purposes only.

☐ there is substantial evidence in Utah about the children's care, protection, training, and personal relationships.

☐ other courts have made a decision about jurisdiction and a copy of that order is attached to this petition.

☐ other (Describe what has happened with the order):  
\_\_\_\_\_

**4. Relationship to children**

I am the (Choose all that apply.):

☐ person who pays child support.

☐ person who receives child support.

I am

☐ the mother of

☐ the father of

☐ the legal guardian or legal custodian of

☐ a person who has been acting as a parent (Utah Code 30-5a-103) to the children listed below.

**5. Minor children**

There are \_\_\_\_\_ (number) minor children included in the controlling order.

Child's name (first, middle and last)	Child's gender	Month and year of birth
--	-------------------	-------------------------

Child's name (first, middle and last)	Child's gender	Month and year of birth

**6. Current living arrangement**

The children are currently living (Choose one.):

☐ as stated in the controlling order.

☐ as described below:

Child's name	Address (street, city, state, ZIP)	Name(s) of person(s) who live with child at this address	Relation- ship(s) to child

**7. Minor children's residence** (Utah Code 78B-13-209)

The minor children have lived at the following addresses with the persons listed for the past five years:

(Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relation- ship(s) to child

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

8. **People claiming custody or parent-time** (Utah Code 78B-13-209)

The following people other than petitioner and respondent claim a right to custody or parent-time with the children:

Name of Person	Current Address	Claims
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time

9. **Other cases** (Utah Rule of Civil Procedure 100)

☐ There are no other cases that involve(d) the children or this case.

☐ The following cases involve(d) the children or this case:

(Include pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state. Each party has a continuing duty to notify the court of any case (past, current, or future) that could affect this case.)

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights

	<input type="checkbox"/> enforcement of an order <input type="checkbox"/> parentage	<input type="checkbox"/> other: _____
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Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

10. **Pre-filing dispute resolution** (Utah Code 30-3-10.4(1)(c))  
(Choose one.)

- ☐ The other party agrees with the petition.
- ☐ Dispute resolution was not required because this petition seeks to modify a court order that does not provide for joint legal custody or joint physical custody.
- ☐ Both parents have complied in good faith with the dispute resolution process but we did not reach an agreement.
- ☐ The parties have not yet used a dispute resolution process.

11. **Controlling parent-time order**

The parent-time schedule in the controlling order is (Choose one.):

- ☐ according to the attached statutory parent-time schedule.
- ☐ described in the attached controlling Parenting Plan.
- ☐ described as follows in the controlling order (Quote the order exactly.):

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12. **Change in circumstances**

The following material and substantial change in circumstances occurred since the controlling order was entered:

(Describe in detail the material and substantial changes (important and major changes). Attach additional pages if needed.)

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13. **Parent-time schedule**

I ask the court to order parent-time as below (Choose one.):

☐ Statutory parent-time schedule:

(Choose all that apply. You can find the Utah Code at [le.utah.gov/xcode/code.html](http://le.utah.gov/xcode/code.html). Print and attach a copy of the statute(s) for the option(s) you choose.)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Relocation schedule (Utah Code 30-3-37)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule (Describe in detail.):

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14. **Parent-time transfers**

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time as below (Choose one.):

☐ Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Order transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

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and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

\_\_\_\_\_

☐ Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. ☐ **Travel and transportation costs.**

(Check this box and complete this section only if you are asking for a change in travel costs.)

I ask the court to order travel cost payments for parent-time transfers as follows

(Choose one.):

☐ as we agree in the attached Parenting Plan.

☐ as proposed in my attached Parenting Plan.

☐ each party is responsible for their own travel costs.

☐ \_\_\_\_\_% by the Petitioner and \_\_\_\_\_% by the Respondent.

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

☐ costs be divided according to Utah Code 30-3-37(12) (You can find the Utah Code at [le.utah.gov/xcode/code.html](http://le.utah.gov/xcode/code.html). Print and attach a copy of the statute.)

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

☐ Other:

\_\_\_\_\_

\_\_\_\_\_

16. ☐ **Relocation of a parent**

(Check this box and complete this section only if you are asking for a change in relocation terms.)

I ask the court to order:

☐ If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.

☐ Neither parent may relocate with the minor children more than \_\_\_\_ miles from their current residence without a written agreement signed by the parties or further court order.

☐ Other terms about relocating:

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17. ☐ **Communication between parties**

I ask the court to order communication between the parties as described below

(Choose as many options as you want.):

☐ In person

☐ Phone

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Text

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Email

Petitioner's email address \_\_\_\_\_

Respondent's email address \_\_\_\_\_

☐ Through a third party

Name \_\_\_\_\_ Phone # \_\_\_\_\_

☐ Other method of communication: (Describe in detail.)

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☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

- [ ] The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.
- [ ] The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.
- [ ] The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

18. **Best interest** (Utah Code 30-3-10 and 30-3-10.4)

It is in the best interest of the children to change custody and parent-time because (Explain in detail.):

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19. [ ] **Attorney fees and costs**

I ask the court to order the other party pay my attorney fees and costs.

20. [ ] **Other**

I ask the court for these additional orders:

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I ask for these additional orders because:

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**21. Remainder of order unchanged**

The remainder of the order should remain unchanged.

**22. Documents**

I am filing the following documents along with this Petition to Modify Parent-time:

(Check all that apply. Forms can be found at [www.utcourts.gov](http://www.utcourts.gov).)

☐ Cover Sheet

☐ Summons

☐ Non-public Information – Parent Information and Location

☐ Non-public Information – Minors

☐ Non-public Information – Safeguarded Address (if applicable)

**Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

**Stipulation (optional)**

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I am the ☐ petitioner ☐ respondent and the party responding to this Petition to Modify Parent-time.

1. I have received and read the petition and its supporting documents.
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer, and have the court decide the issues.
4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter and I enter my appearance for that purpose.
6. I agree to the requests in the petition.
7. I agree the court may enter an order of modification consistent with the petition at any time and without further notice.

**Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record (if applicable)**

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

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 Name

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 Address

---

 City, State, Zip

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 Phone

---

 Email

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 In the District Court of Utah

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 Judicial District \_\_\_\_\_ County

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 Court Address \_\_\_\_\_

<hr/> Petitioner  v.  <hr/> Respondent	<p><b>Findings of Fact and Conclusions of Law on Petition to Modify Parent-time</b> (Utah Rule of Civil Procedure 106)</p> <hr/> Case Number  <hr/> Judge  <hr/> Commissioner
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The matter before the court is a Petition to Modify Parent-time. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.  
☐ The stipulation of the parties.  
☐ The pleadings and other papers of the parties.  
☐ A hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

Petitioner

☐ was ☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

**The court finds:**

1. The order controlling parent-time is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. There are \_\_\_\_\_ (number) minor children included in the controlling order.

Child's name (first, middle and last)	Child's gender	Month and year of birth

3. Utah ☐ does ☐ does not have jurisdiction in this case.

4. A material and substantial change in circumstances ☐ has ☐ has not occurred since the controlling order was entered. The court considered the following factors:

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5. Changing parent-time ☐ is ☐ is not in the best interest of the children.  
The court considered the following factors:

6. The parties ☐ have ☐ have not complied with the pre-filing dispute resolution requirements. (Utah Code 30-3-10.4(1)(c))

**The court concludes:**

7. The court ☐ does ☐ does not have jurisdiction.
8. There ☐ are ☐ are not grounds to modify the controlling order.
9. ☐ Other:

Commissioner's or judge's signature may instead appear at the top of the first page of this document.

	Signature ►	
Date	Commissioner	
	Signature ►	
Date	Judge	

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal Practitioner	_____

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact and Conclusions of Law on Petition to Modify Parent-time on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name

---

 Name

---

 Address

---

 City, State, Zip

---

 Phone

---

 Email

---

 In the District Court of Utah

---

 Judicial District \_\_\_\_\_ County

---

 Court Address \_\_\_\_\_

<hr/> Petitioner  v.  <hr/> Respondent	<b>Order on Petition to Modify Child Parent-time</b> (Utah Rule of Civil Procedure 106)  <hr/> Case Number  <hr/> Judge  <hr/> Commissioner
--	--

The matter before the court is a Petition to Modify Parent-time. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.  
☐ The stipulation of the parties.  
☐ The pleadings and other papers of the parties.  
☐ A hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.
- Petitioner  
☐ was ☐ was not present  
☐ was represented by \_\_\_\_\_



☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

**The court orders:**

1. The petition is:

☐ denied.

☐ granted. The controlling order dated \_\_\_\_\_ (date) is modified as follows.

2. ☐ **Parent-time** (Choose one.):

☐ Statutory parent-time schedule:

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Relocation schedule (Utah Code 30-3-37)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

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3. ☐ **Parent-time transfers** (Choose one.):

☐ Transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

\_\_\_\_\_

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### **Parent-time travel and transportation costs**

4. Parent-time travel costs be divided as follows (Choose one):

☐ pursuant to the filed or attached Parenting Plan.

☐ each party is responsible for their own travel costs.

☐ \_\_\_\_\_% by the Petitioner and \_\_\_\_\_% by the Respondent.

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

☐ costs be divided according to Utah Code 30-3-37(12)

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

☐ Other costs divided as follows (Attach additional pages if needed.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. ☐ **Communication between parties** (Choose all that apply.):

☐ In person

☐ Phone

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Text

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Email

Petitioner's email address \_\_\_\_\_

Respondent's email address \_\_\_\_\_

☐ Through a third party

Name \_\_\_\_\_ Phone # \_\_\_\_\_

☐ Other method of communication: (Describe in detail.)

\_\_\_\_\_

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

6. ☐ **Attorney fees and costs**

☐ Petitioner ☐ Respondent must pay \$ \_\_\_\_\_ in attorney fees and \$ \_\_\_\_\_ in costs.

7. ☐ **Other orders**

\_\_\_\_\_  
\_\_\_\_\_

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8. **Remainder of order unchanged**

The provisions of any previous order not modified by this order remain in effect.

Commissioner's or judge's signature may instead appear at the top of the first page of this document.

	Signature ►	
Date	Commissioner	
	Signature ►	
Date	Judge	

Approved as to form.

	Signature ►	
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	
	Signature ►	
Date	Respondent, Attorney or Licensed Paralegal Practitioner	

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition to Modify Parent-time on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name

# Tab 15



## Agenda



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

July 23, 2019

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

## MEMORANDUM

**TO: Members of the Judicial Council Management Committee**

**FROM:** Neira Siaperas  
Utah Juvenile Court Administrator

**DATE:** April 6, 2020

**RE:** Proposed Probation Policies for Review and Approval

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The Board of Juvenile Court Judges has proposed revisions of the following policies which are now advanced to the Management Committee for review and consideration. Additionally, I seek placement on the Judicial Council's consent agenda for April 27, 2020.

***Section 4.15 Probation Responses to Compliant and Noncompliant Behavior***

*This policy was last revised July 8, 2016. Updates to this policy are necessary to align with current probation practices regarding the use of tangible incentives and the documentation of incentives and sanctions in CARE. The proposed updates include the addition of references to the Utah Targeted Behavior Response Toolkit and the Targeted Probation Incentive Program Manual; updated verbiage regarding the utilization of incentives and sanctions to support case plan goals; direction on using the Incentives and Noncompliant Modules in CARE.*

***Section 5.4 Handcuffing***

*This policy was last updated May 1, 2002. Updates to this policy are necessary to align with current the Probation Officer Safety training, revised incident reporting practices and to clarify the circumstances under which handcuffs may be utilized. The proposed updates include the addition of a provision for the use of handcuffs when transporting ICJ youth and a requirement for supervisor notification when handcuffs are used as a defensive measure.*

***Section 5.5 Oleoresin Capsicum (O.C.) Spray***

*This policy was last updated September 13, 2006. Updates to this policy are necessary to align with the current OC Spray training now being conducted by the Court Security Director. The proposed updates include designation of the Chief Probation Officer as the responsible party for issuing OC spray; the addition of a requirement that an Authorization and Acknowledgement form be signed by a PO when they*

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**



*are issued OC spray; a directive requiring secure storage of OC spray; revised reporting processes for when OC spray is deployed.*

I will be available to respond to questions during your meeting on April 14, 2020.

Thank you.

Neira Siaperas

## 4.15 Probation Responses to Compliant and Non-Compliant Behavior

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### Policy:

The probation department's focus is to ensure compliance with the terms and conditions of the probation order and other court orders while balancing individual accountability, competency development, and community safety. The probation department is similarly committed to providing incentives to encourage and reinforce prosocial behaviors. Probation officers shall utilize Evidence-Based Practices (EBP) to reinforce prosocial behaviors and discourage antisocial behaviors.

### Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

### Authority:

- [Utah Rules of Judicial Administration- Rule 7-304 Probation Supervision](#)
- [Utah Rules of Juvenile Procedure- Rule 51 Violation of Probation and Contempt by a Minor](#)
- [UCA 78A-6-1101](#)

### Resources:

- [Utah Targeted Behavior Response Toolkit](#)
- [Targeted Probation Incentive Program Manual](#)

### Procedure:

1. The probation officer shall use EBP strategies to assist in minor's compliance with the court orders and support the minor as they work toward accomplishing their case plan goals. Probation officers shall respond to a minor's compliant and/or non-compliant behavior in a prompt, consistent, and proportional manner.
2. The probation officer shall employ appropriate incentives for compliant behavior in accordance with the recommendations in the Incentives Response Matrix (see addendum 4.15.1). The probation officer shall document the incentives that were employed to reward compliant behavior in the Incentives Module in CARE and court reports. The probation officer shall also document the use of tangible incentives as outlined in the Targeted Probation Incentive Program Manual and district practice.
3. The probation officer shall employ appropriate sanctions for non-compliant behavior in accordance with the recommendations in the Non-Compliant Behavior Response Matrix. (see Addendum 4.15.2) The probation officer shall document the sanctions that were employed to hold the minor accountable for non-compliant behavior in the Non-Compliant Module in CARE and court reports.

4. The probation officer shall review the case with the probation supervisor or designee prior to filing an order to show cause.

**Addendum 4.15.1 Incentives Matrix****Addendum 4.15.2 Noncompliant Behavior Matrix**

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**History:**

Effective date April 7, 2006

Revised July 8, 2016

Updated by Policy Group June 27, 2019

Approved for release for comment by BJCJ September 11, 2019

Updated by Policy Group December 19, 2019

Approved by Chiefs January 9, 2020

Approved by JTCE group February 6, 2020

Approved by Board of Juvenile Court Judges March 13, 2020

# Incentives Matrix

**STEP 1:** Identify the youth's level of compliance and/or accomplishment. The Beginning focuses on incentives when the youth is meeting expectations with their compliance toward their court orders/obligations. The Intermediate focuses on the youth's behavior change among the eight criminogenic factors: Antisocial Behavior, Antisocial Personality, Antisocial Attitude, Antisocial Peers, School and Work, Leisure and Recreation, Substance Abuse, and Family. The Advanced focuses on acknowledging behavior when the youth identifies competence in skills and abilities to refrain from getting into trouble and reducing their risk factors.

<b>Beginning:</b> <b>Accountability and Compliance</b>	<b>Intermediate:</b> <b>Evidence Based/Case Planning</b>	<b>Advanced:</b> <b>Demonstrates Competence and Reduction of Risk</b>
<ul style="list-style-type: none"> <li>• Attending scheduled appointments</li> <li>• Avoiding persons possessing, using, and/or selling drugs/alcohol</li> <li>• Completed community service hours</li> <li>• Complying with curfew, home restrictions, or house arrest</li> <li>• Enrolled in school and/or program</li> <li>• Following home rules</li> <li>• Following rules/direction of your court worker</li> <li>• Made payments toward restitution and/or fines</li> <li>• Negative UA results</li> <li>• Refrained from possessing a dangerous weapon</li> <li>• Refrained from staying out overnight</li> <li>• Submitted photo, fingerprint, and DNA</li> <li>• Successful search of self or possessions</li> <li>• Wearing neutral clothing (non-gang/drug/alcohol)</li> <li>• Other</li> </ul>	<ul style="list-style-type: none"> <li>• Achieving a higher level in a program</li> <li>• Active participation in therapy/counseling</li> <li>• Associating with positive peers</li> <li>• Avoiding negative peers</li> <li>• Completion of a Carey Guide/BIT</li> <li>• Creating case plan goals</li> <li>• Engaging with family</li> <li>• Good grades and or attendance</li> <li>• Improved physical health/hygiene</li> <li>• No contact with victim</li> <li>• Participation in pro-social activities</li> <li>• Positive reports from collateral agencies</li> <li>• Taking prescription medications</li> <li>• Thinking about consequences before acting</li> <li>• Time free of non-compliant behavior</li> <li>• Using coping skills</li> <li>• Using positive communication skills</li> <li>• Other</li> </ul>	<ul style="list-style-type: none"> <li>• Accomplishing a case plan goal</li> <li>• Continuation in a pro-social activity</li> <li>• Displaying appreciation for others</li> <li>• Express genuine remorse</li> <li>• Finding employment/remaining employed</li> <li>• Graduating from High School/obtaining GED</li> <li>• Identifies and works with support system</li> <li>• Initiating meetings with others (school/probation/programs)</li> <li>• Leadership role for pro-social activities/events</li> <li>• Membership in a positive organization</li> <li>• No referrals for delinquent/non-compliant behavior</li> <li>• Positively contributing to family/home</li> <li>• Successfully completing a program</li> <li>• Using skills to deal with difficult situations</li> <li>• Using consequential thinking skills</li> <li>• Other</li> </ul>

# Incentives Matrix

000915

(continued)

**STEP 2:** Reward the youth with a proportionate incentive for their identified level of compliance/accomplishment outlined below or as identified by the youth. Incentives should be awarded promptly. The list below provides examples of suggested responses; it is not all-inclusive. Award the youth with the incentive that will have the most impact on pro-social behavior. Please note, probation should collaborate with the youth's family and community agencies working with the youth to determine what rewards/incentives they may contribute

Level 1 Response	Level 2 Response	Level 3 Response
<ul style="list-style-type: none"> <li>• Candy bar, soda, chips etc. (\$1-2.00)</li> <li>• Allow special supervised outing</li> <li>• Allow extra time on the computer</li> <li>• Credit toward community service hours*</li> <li>• Earned free time with pro-social peers</li> <li>• Permission to attend/participate in a community event</li> <li>• Permission for travel/extended travel</li> <li>• Recognition by worker/parent/school</li> <li>• Receive personal hygiene supplies</li> <li>• Reward coupon or punch on a punch card</li> <li>• Send a positive letter to youth's home</li> <li>• Transportation access/credit/passes</li> <li>• Verbal praise to youth and/or parent</li> <li>• Other incentive individualized to youth</li> </ul>	<ul style="list-style-type: none"> <li>• Gift card (\$4-6.00 to movies, stores etc.)</li> <li>• Allow an overnight with approved friend</li> <li>• Apply community service hours toward restitution*</li> <li>• Certificate of achievement</li> <li>• Extend curfew</li> <li>• Field trips with staff (college tour, hiking, etc.)</li> <li>• Hold an appointment by phone</li> <li>• Reduction in supervision</li> <li>• Recognition given in Court</li> <li>• Reduce time on home restriction/house arrest</li> <li>• Reduction in community service hours*</li> <li>• Reduce frequency of drug testing</li> <li>• Storyboard/wall of fame/fish bowl raffle</li> <li>• Other incentive individualized to youth</li> </ul>	<ul style="list-style-type: none"> <li>• Gift card (\$8-10.00 to movies, food establishments, stores etc.)</li> <li>• Allow youth to have input on probation appointments</li> <li>• Court level of completion</li> <li>• Early Discharge*</li> <li>• Graduation ceremony</li> <li>• Invitation to serve on agency leadership council</li> <li>• Invitation to monthly recognition ceremony</li> <li>• Job shadowing/apprenticeship opportunity</li> <li>• Letter of support/job recommendation</li> <li>• Modification of probation terms*</li> <li>• Restoration of non-suspended driving privileges</li> <li>• Waiving/reducing fines*</li> <li>• Other incentive individualized to youth</li> </ul>

\*May require court action

**STEP 3:** Document the accomplishment and the incentive awarded to the youth in CARE and court reports.

# Non-Compliant Behavior Matrix

**Step 1:** Determine the seriousness of the current non-compliant behavior: Minor; Medium; Serious.

Minor: (Lapse in judgment)	Medium: (Multiple minor violations with no response to consequences)	Serious: (Ongoing, willful disregard of expectations)
<ul style="list-style-type: none"> <li>• Association with anti-social peers</li> <li>• Curfew violation (worker notified by parents)</li> <li>• Failed to attend school/work</li> <li>• Failed to complete community service/restitution/Fines</li> <li>• Failed to comply with worker directives</li> <li>• Failed to contact worker</li> <li>• Failed to enroll in treatment/program</li> <li>• Failed to notify worker about police contact</li> <li>• Missed appointment with treatment/program</li> <li>• Use of illegal substances (parent/guardian report)</li> </ul>	<ul style="list-style-type: none"> <li>• Association with anti-social peers</li> <li>• Curfew/home restriction/truancy violation</li> <li>• Fail to contact worker</li> <li>• Fail to notify worker about police contact</li> <li>• Failure to attend school/work</li> <li>• Failure to complete community service/restitution</li> <li>• Failure to comply with worker directives</li> <li>• Failure to return home overnight</li> <li>• Missed appointments with required program/treatment/skill provider</li> <li>• Non-compliant with program (suspension).</li> <li>• Positive UA/failure to submit</li> <li>• Physical violence/aggressive behavior (no injury)</li> </ul>	<ul style="list-style-type: none"> <li>• Association with anti-social peers</li> <li>• Contact with victim</li> <li>• Curfew/home restriction/habitual truancy</li> <li>• Fail to contact worker</li> <li>• Fail to notify worker about police contact</li> <li>• Failure to complete community service/restitution</li> <li>• Failure to return home overnight/AWOL</li> <li>• Multiple missed appointments with required program/treatment/skill provider</li> <li>• Non-compliant with program/intervention</li> <li>• Positive UA/failure to submit/adulteration to sample</li> <li>• Physical violence/aggressive behavior (injury)</li> <li>• Physical violence/aggressive behavior (no injury)</li> <li>• Unsuccessful discharge from program/intervention for lack of attendance/participation/behavior</li> </ul>

**Step 2:** Using the youth's risk level (determined from PSRA) and the seriousness of the non-compliant behavior determined in step 1, use the table below to determine the presumptive response (Level 1, 2, or 3). In determining whether or not to decrease/increase the presumptive response, the following factors should be considered: impact on victim; impact on the community; and if the violation is consistent with the youth's pattern of behavior.

	Low	Moderate	High
Minor	1	1	2
Medium	1	2	3
Serious	2	3	3

# Non-Compliant Behavior Matrix

000917

(continued)

**STEP 3:** Use the information from Step 1 and 2 to determine the appropriate level of response. Use the least restrictive response for the desired behavioral change utilizing the principles of risk, need, and responsivity. Responses to violations by low risk youth are preferably handled through school and/or parent consequences, and should involve minimal contact with the juvenile system. If there is an increase in restrictions, such as in drug testing, case contacts, community service hours, or other restrictions, the increase should be the least restrictive, in amount or duration, to achieve the desired outcome. The determined response should be applied promptly.

Level 1 Response	Level 2 Response	Level 3 Response
<ul style="list-style-type: none"> <li>Carey Guides/BITS/NCTI/Decisional Balance Sheet</li> <li>Curfew or home restriction(s)</li> <li>Increase community services</li> <li>Increase contact/Motivational Interview</li> <li>Increased frequency of drug testing (as needed)</li> <li>Letter/essay/homework assignment</li> <li>Letter of apology</li> <li>Problem-solving session with worker</li> <li>Restriction of activities/privileges</li> <li>Review case plan</li> <li>School monitoring sheets</li> <li>School/parent/guardian consequences</li> <li>Verbal or written warning</li> </ul>	<ul style="list-style-type: none"> <li>Any Level 1 responses that are appropriate</li> <li>Community service/fines*</li> <li>Develop education plan with school</li> <li>Home restriction/day reporting</li> <li>In-court review hearing</li> <li>Increase frequency of treatment</li> <li>Increase of special programming – example ART/NCTI</li> <li>Mental health/substance abuse assessment</li> <li>No Contact Directive*</li> <li>Psychological*</li> <li>Staff with others</li> <li>Work crew for completion of hours/structure</li> </ul>	<ul style="list-style-type: none"> <li>Any Level 1 or Level 2 responses that are appropriate</li> <li>Intensive outpatient or inpatient treatment*</li> <li>Multi agency staffing/community based placement*</li> <li>Order to Show Cause/Contempt *</li> <li>Re-assess risk and create new case plan</li> <li>Specialty Court*</li> </ul>

\* Indicates response that may require court action

Note: Per Juvenile Court Policy 4.15 Probation Response to Compliant and Non-Compliant Behavior: The probation officer shall review the case with the probation supervisor to determine whether there are additional sanctions that should be applied when attempts to correct the non-compliant behavior are unsuccessful.

**STEP 4:** Document the non-compliant behavior and identified response in CARE and court reports. If needed, complete a re-assessment and incorporate needed changes in the case plan.

## 4.15 Probation Responses to Compliant and Non-Compliant Behavior

---

### Policy:

The probation department's focus is to ensure compliance with the terms and conditions of the probation order and other court orders while balancing individual accountability, competency development, and community safety. The probation department is similarly committed to providing incentives to encourage and reinforce ~~positive~~ **prosocial** behaviors. Probation officers shall utilize Evidence-Based Practices (EBP) to reinforce ~~positive~~ **prosocial** behaviors and discourage negative **antisocial** behaviors.

### Scope:

This policy applies to all probation **department** staff of the Utah State Juvenile Court.

### Authority:

- [Utah Rules of Judicial Administration- Rule 7-304 Probation Supervision](#)
- [Utah Rules of Juvenile Procedure- Rule 51 Violation of Probation and Contempt by a Minor](#)
- [UCA 78A-6-1101](#)
- ~~Addendum 4.15.1 Probation Response Matrices to Compliant and Non-Compliant Behavior~~

### Resources:

- [Utah Targeted Behavior Response Toolkit](#)
- **Targeted Probation Incentive Program Manual**

### Procedure:

1. Each ~~The~~ probation officer has the responsibility to use **shall use** EBP strategies to assist in minor's compliance with the terms and conditions of probation and other ~~the~~ court orders **and support the minor as they work toward accomplishing their case plan goals.** Probation officers shall respond to a youth ~~minor's~~ compliant and/or non-compliant behavior in a prompt, consistent, and proportional manner ~~(see addendum 4.15.1).~~
2. The probation officer shall employ appropriate incentives for compliant behavior in accordance with the recommendations in the Incentives Response Matrix (see addendum 4.15.1). The probation officer shall document the incentives that were employed to reward compliant behavior in case notes **the Incentives Module in CARE** and court reports. **The probation officer shall also document the use of tangible incentives as outlined in the Targeted Probation Incentive Program Manual and district practice.**
3. The probation officer shall employ appropriate sanctions for non-compliant behavior in accordance with the recommendations in the Non-Compliant Behavior Response Matrix. (see Addendum 4.15.4~~2~~) The probation officer shall document the sanctions that were employed to hold the youth **minor** accountable for non-compliant behavior in case notes the **Non-Compliant Module in CARE** and court reports.



4. ~~The probation officer should review the case with the probation supervisor or designee to determine whether there are additional sanctions that should be applied when attempts to correct the non-compliant behavior are unsuccessful.~~
5. The probation officer shall review the case with the probation supervisor or designee prior to filing an order to show cause.

**Addendum 4.15.1- Probation Response Matrices to Compliant and Non-Compliant Behavior ~~Incentives Matrix~~**

**Addendum 4.15.2- Noncompliant Behavior Matrix**

---

**History:**

Effective date April 7, 2006

Revised July 8, 2016

**Updated by Policy Group June 27, 2019**

**Approved for release for comment by BJCJ September 11, 2019**

**Updated by Policy Group December 19, 2019**

**Approved by Chiefs January 9, 2020**

**Approved by JTCE group February 6, 2020**

**Approved by Board of Juvenile Court Judges March 13, 2020**

**Advisory Committee Note:**

Paragraphs (2) and (3) of this policy requires the mandatory use of the Probation Response Matrices when addressing compliant and non-compliant behavior. Probation officers have discretion in determining which incentives or interventions/sanctions outlined in the matrices to employ.

## **Proposed Policy Update for 4.15 Probation Response to Compliant and Non-Compliant Behavior**

### **1. Comment/Theme:**

- ◆ Is it important to specify where in CARE the documented notes should be put? For instance, should this say "...in the incentives and non-compliance notes tabs in CARE" versus just saying "...in case notes." My concern is that some PO's will put the notes in "general case notes" and others will use the tabs specifically designed for this, what is the desire at the state level for consistency? *"The probation officer shall document the interventions/sanctions that were employed to address the non-compliant behavior in case notes and court reports"*
  - **Policy Committee Response:**
  - **Policy Committee Decision:** Updated wording in #2 and #3 to reflect that notes for incentives and sanctions should be entered into their corresponding modules in CARE and not into general case notes. Removed the last sentence from #4 about case notes.

### **2. Comment/Theme:**

- ◆ Paragraph 4-Suggest removing the wording "or contempt petition".
  - **Policy Committee Response:**
  - **Policy Committee Decision:** removed the wording contempt petition from the sentence.

## 5.4 Handcuffing

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### Policy:

This policy provides uniform guidelines for the use of handcuffs.

### Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

### Authority:

- [UCA 76-2-403](#)
- [UCA 77-7-1](#)
- [UCA 78A-6-112](#)
- [Utah State Juvenile Probation Officer Natural Response Control Tactics Training Curriculum](#)
- Interstate Compact on Juveniles
  - [Rule 6-102](#)
  - [Rule 6-103](#)
  - [Rule 6-103A](#)
  - [Rule 7-102](#)
  - [Rule 7-106](#)

### Procedure:

1. Probation department staff shall complete and be current in the required *Probation Officer Safety Training* prior to the use of handcuffs.
2. The probation officer's use of handcuffs is appropriate when:
  - 2.1. taking a minor into custody;
  - 2.2. transporting a minor who is in custody (see [Probation Policy 5.2 Transporting a Minor in Custody](#));
  - 2.3. transporting an Out-of-State Runaway, Absconder, Escapee, Accused Status Offender, or Accused Delinquent subject to the Interstate Compact for Juveniles (ICJ) to the airport for return to the home/demanding state;
  - 2.4. protecting the minor from potential harm (See [Probation Policy 5.3 Continuum of Force](#)); and

- 2.5. protecting self or others from potential harm (See [Probation Policy 5.3 Continuum of Force](#)).
  3. The probation officer shall notify the supervisor about any incident involving handcuffs in regard to subsections 2.4 or 2.5 above and document in accordance with Local Security Plans.
- 

**History:**

Effective May 1, 2002

Updated by Policy Workgroup February 19, 2019

Approved to be sent for comment by BJCJ March 7, 2019

Approved by Chiefs on June 6, 2019

Approved by JTCEs on July 11, 2019

Updated by Policy Committee October 17, 2019

Approved by JTCE's and Chiefs via email November 14, 2019

Approved by BJCJ December 13, 2019

## 5.4 Handcuffing

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### Policy:

This policy ~~is to provide~~s uniform guidelines for the ~~appropriate~~ use of handcuffs.

### Scope:

This policy applies to all probation **department** staff of the Utah State Juvenile Court.

### Authority:

- [UCA 76-2-403](#)
- [UCA 77-7-1](#)
- [UCA 78A-6-112](#)
- Utah State Juvenile Probation Officer **Natural Response Control Tactics** Training Curriculum
- **Interstate Compact on Juveniles**
  - **Rule 6-102**
  - **Rule 6-103**
  - **Rule 6-103A**
  - **Rule 7-102**
  - **Rule 7-106**

### Procedure:

1. Probation officers and deputy probation officers **department staff** shall receive approved training **complete and be current in the required Probation Officer Safety Training** prior to the issuance or use of handcuffs.
  - ~~1.1 The use of handcuffs are primarily for defensive detainment.~~
  - ~~1.2 Handcuffs shall be used according to the Probation Officer Defensive Tactics training.~~
  - ~~1.3 Districts may authorize the use of handcuffs and issue them to staff.~~
2. ~~The use of handcuffs is authorized when taking a minor into custody (See Section 5.3 Continuum of Force).~~
3. **2.** The **probation officer's** use of handcuffs is appropriate to **when:**
  - 2.1 taking a minor into custody;**
  - 2.2 transporting a minor who is in custody (see Probation Policy 5.2 Transporting a Minor in Custody);**

**2.3 transporting an Out-of-State Runaway, Absconder, Escapee, Accused Status Offender, or Accused Delinquent subject to the Interstate Compact for Juveniles (ICJ) to the airport for return to the home/demanding state;**

**2.4 protecting the minor from potential harm (See Probation Policy 5.3 Continuum of Force); and**

**2.5 protecting self or others from potential harm (See Probation Policy 5.3 Continuum of Force).**

~~3.3 for self-defense.~~

4. ~~3.~~ **When handcuffs are used as outlined in this section a critical incident report shall be prepared and submitted. Section 5.6 Critical Incident Reporting)The probation officer shall notify the supervisor about any incident involving handcuffs in regard to subsections 2.4 or 2.5 above and document in accordance with Local Security Plans.**
5. ~~Probation officers will receive the required training and yearly certification. Any training conducted must follow the lesson plan approved by the Administrative Office of the Courts.~~

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### History:

Effective May 1, 2002

**Updated by Policy Workgroup February 19, 2019**

**Approved to be sent for comment by BJCJ March 7, 2019**

**Approved by Chiefs on June 6, 2019**

**Approved by JTCEs on July 11, 2019**

**Updated by Policy Committee October 17, 2019**

**Approved by JTCE's and Chiefs via email November 14, 2019**

**Approved by BJCJ December 13, 2019**

**Proposed Policy Update for 5.4 Handcuffing****Themes:**

- Can you handcuff an ICJ case for transport?

**Response to questions:**

- Yes, they should be transported in the same manner as youth in custody.

**Policy Workgroup Decisions:**

- Added ICJ rules to the authority that discusses ICJ youth status and why they should be considered the same as in-custody youth when being transported.
- Added #2.3 to indicate that ICJ youth should be handcuffed when being transported for ICJ purposes.

## 5.5 Oleoresin Capsicum (OC) Spray

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### Policy:

This policy gives direction to juvenile court probation department staff who carry oleoresin capsicum (OC) spray including training in the reasonable and prudent use of the spray, appropriate steps for decontamination, reporting of its use and the proper disposal of expired OC spray canisters per manufacturer's instructions.

### Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

### Authority:

- Utah State Juvenile Probation Officer Oleoresin Capsicum (OC) Spray Training Curriculum

### Reference:

- Code of Judicial Administration Rule 3-414. Court Security
- Local Security Plans

### Procedure:

1. The Chief Probation Officer, in consultation with the Trial Court Executive, shall authorize the use and issue of OC spray.
  - 1.1. Probation staff shall be issued OC spray only after successfully completing the required initial certification training conducted by the Court Security Director or their designee. The probation officer shall complete recertification training annually, within the same month of last recertification, in order to retain the authority to carry OC spray.
    - 1.1.1. The Chief Probation Officer will document certification and annual recertification.
    - 1.1.2. The probation officer will acknowledge this policy by signing the *Authorization and Acknowledgement Form* (Addendum 5.5.1).
  - 1.2. The probation officer shall only carry OC spray that is authorized and provided by the courts in the performance of their duties. The probation officer shall not use court-issued OC spray when off duty. The use of OC



- spray contrary to policy may result in the revocation of the probation officer's authorization to use OC spray and/or disciplinary action.
- 1.3. The probation officer shall use OC spray only when necessary to defend against injury to staff or others and shall not be used to affect apprehension of another.
  2. The Chief Probation Officer shall ensure that unissued OC spray will be secured in a locked container to prevent loss, theft or access by unauthorized individuals.
    - 2.1. The probation officer shall ensure that issued OC spray is secured from access by unauthorized individuals.
    - 2.2. The probation officer shall notify their supervisor within two hours of discovering their OC spray is lost or stolen.
    - 2.3. The probation officer shall submit expired OC spray containers to the Chief Probation Officer for disposal.
  3. The probation officer shall contact law enforcement as well as request medical assistance as soon as practicable after the intentional or accidental discharge of OC spray against another individual.
    - 3.1. The probation officer shall remain with the subject unless the probation officer's safety is compromised.
      - 3.1.1. The probation officer shall implement the decontamination procedure as outlined in training.
      - 3.1.2. The probation officer shall not leave the subject unattended until released to law enforcement, a parent, guardian or custodian or medical personnel unless safety is compromised. The probation officer shall follow the directions given by law enforcement and/or medical staff.
    - 3.2. The probation officer shall inform law enforcement and/or medical staff if they leave the scene for safety reasons. The probation officer shall follow any directions given by law enforcement.
    - 3.3. The probation officer shall notify the supervisor as soon as practicable following the incident.
  4. The probation officer shall complete the *Report of Discharge of Oleoresin Capsicum Spray Form* (Addendum 5.5.2) regarding any intentional or accidental use of OC spray.

- 4.1. The probation officer shall submit the completed form to the supervisor, Chief Probation Officer and Trial Court Executive immediately following the incident.
- 4.2. The Chief Probation Officer shall provide the completed *Report of Discharge of Oleoresin Capsicum Spray Form* to the Court Security Director after the incident for a review and response.

#### **Addendum 5.5.1 Authorization and Acknowledgement Form**

#### **Addendum 5.5.2 Report of Discharge of Oleoresin Capsicum Spray Form**

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##### **History:**

Effective September 13, 2006

Legal Review July 29, 2019

Updated by Policy Committee July 30, 2019

Approved for release for comment by BJCJ September 11, 2019

Approved by Chiefs January 9, 2020

Approved by JTCE group February 6, 2020

Approved by BJCJ March 13, 2020

**Authorization and Acknowledgement Form****Employee Acknowledgement of The Utah State Courts Juvenile Court Probation Staff Oleoresin Capsicum Spray Policy And Authorization To Use Oleoresin Capsicum Spray**

I hereby acknowledge that I have read and understand Probation Policy 5.5 Oleoresin Capsicum (OC) Spray; that I agree to adhere to the requirements of the Policy as outlined; and that I have voluntarily requested permission to carry oleoresin capsicum spray in the course of my employment with the Utah State Courts.

Employee Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

The above noted employee has voluntarily requested to carry oleoresin capsicum spray in the course of his/her employment and has successfully completed the oleoresin capsicum spray training as provided by the Administrative Office of the Utah State Courts. Therefore, this employee is authorized to carry court issued oleoresin capsicum spray in the course of his/her employment.

Chief Probation Officer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Employee name: _____	District: _____		Intentional discharge:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Site: _____				
Discharge date: _____	Time: _____	a.m. p.m.	Date reported: _____	
Location of accident (be specific): _____				
Law Enforcement Contact and Report Number: _____				
Describe the entire incident completely including the events leading up to discharge: (include the outcome of the deployment)				
<b>Continue report on separate pages as needed. Attach statements made by witnesses.</b>				
Witness(es) name and phone number:  _____ _____ _____				
<b><u>To Be Completed by Court</u></b> <b><u>Security Director</u></b> Security Director's response:				
Security Director Review Action Items:	<u>Assigned To</u>	<u>Due Date</u>	<u>Completion Date</u>	
1.				
2.				
3.				
4.				
5.				
<b><u>Security Director</u></b> <b><u>Signature, TITLE</u></b> <b><u>and date</u></b>				

## Section 5.5 Oleoresin Capsicum (OC) Spray (O.C. Spray)

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### Policy:

~~The~~ **This policy gives direction to** juvenile court probation department staff who carry oleoresin capsicum **(OC)** spray shall be trained in the reasonable and prudent use of the spray, appropriate steps for decontamination, ~~and~~ reporting of its use, and the proper disposal of expired OC spray canisters per manufacturer's instructions.

### Scope:

This policy applies to all ~~juvenile court probation~~ **department** staff of the Utah State Juvenile Court.

### Authority:

~~Probation Officer Safety Training Curriculum~~

- **Utah State Juvenile Probation Officer Oleoresin Capsicum (OC) Spray Training Curriculum**

### Reference:

- **Code of Judicial Administration Rule 3-414. Court Security**
- **Local Security Plans**

### Procedure:

1. ~~Under the direction of t~~**The Chief Probation Officer, supervisory staff shall issue and authorize the use of oleoresin capsicum spray (O.C. spray), in**  
**consultation with the Trial Court Executive, shall authorize the use and issue of OC spray.**
  - 1.1. ~~It is intended to be used only in situations in which it is necessary to defend against injury to staff or others.~~**Probation staff shall be issued OC spray only after successfully completing the required initial certification training conducted by the Court Security Director or their designee. The probation officer shall complete recertification training annually, within the same month of last recertification, in order to retain the authority to carry OC spray.**
    - 1.1.1. **The Chief Probation Officer will document certification and annual recertification.**

- 1.1.2. The probation officer will acknowledge this policy by signing the Authorization and Acknowledgement Form (Addendum 5.5.1).

1.2 ~~Staff shall carry only authorized O.C. spray as~~The probation officer shall only carry OC spray that is authorized and provided by the courts:in the performance of their duties. The probation officer shall not use court-issued OC spray when off duty. The use of OC spray contrary to policy may result in the revocation of the probation officer's authorization to use OC spray and/or disciplinary action.

1.3 ~~O.C. spray shall only be issued to staff that have successfully completed the required training and yearly certification. Any training conducted must follow the lesson plan approved by the Administrative Office of the Courts. The~~probation officer shall use OC spray only when necessary to defend against injury to staff or others and shall not be used to affect apprehension of another.

2. ~~As soon as is practical after the subject has been controlled by the use of the OC spray, staff shall call law enforcement for assistance to take control of the situation. Staff shall remain with the subject unless their safety is compromised. Staff should advise law enforcement if they leave the scene for safety reasons.~~The Chief Probation Officer shall ensure that unissued OC spray will be secured in a locked container to prevent loss, theft or access by unauthorized individuals.

- 2.1. The probation officer shall ensure that issued OC spray is secured from access by unauthorized individuals.
- 2.2. The probation officer shall notify their supervisor within two hours of discovering their OC spray is lost or stolen.
- 2.3. The probation officer shall submit expired OC spray containers to the Chief Probation Officer for disposal.

3. ~~While waiting for~~The probation officer shall contact law enforcement as well as request medical assistance to arrive, staff shall implement the decontamination procedure as soon as is reasonably practicalpracticable after the intentional or accidental discharge of OC spray against another individual.

- 3.1. ~~Calm the subject if possible. Explain the decontamination process to them and tell them you are going to start with a search as part of the process. Have the subject either sit or stand, to promote good breathing and continue to assure him/her that the effects of the O.C. spray are temporary and will diminish in a short period of time.~~The probation

**officer shall remain with the subject unless the Probation Officer's safety is compromised.**

- 3.1.1. ~~Staff shall wear gloves during the search process and dispose of them at the conclusion of the search.~~ **The probation officer shall implement the decontamination procedure as outlined in training.**
  - 3.1.2. **The probation officer shall not leave the subject unattended until released to law enforcement, a parent, guardian or custodian or medical personnel unless safety is compromised. The probation officer shall follow the directions given by law enforcement and/or medical staff.**
  - 3.2. ~~Flush the contaminated areas with copious amounts of cold water if it is safe. The subject is not to be forcibly decontaminated.~~ **The probation officer shall inform law enforcement and/or medical staff if they leave the scene for safety reasons. The probation officer shall follow any directions given by law enforcement.**
  - 3.3. ~~Expose the subject to fresh air if practical and safe.~~ **The probation officer shall notify the supervisor as soon as practicable following the incident.**
  - 3.4. ~~Inquire if the subject has any respiratory diseases or problems (i.e. asthma, bronchitis, emphysema) and ask if they want medical response called.~~
  - 3.5. ~~Ask subject if they are wearing contact lenses and advise them to remove them if they are.~~
4. The subject will not be left unattended provided the safety of staff is not compromised, until released to law enforcement, a parent or guardian, or medical personnel. Once law enforcement arrives, staff may leave the scene at the direction of the arriving officer. **The probation officer shall complete the Report of Discharge of Oleoresin Capsicum Spray Form (Addendum 5.5.2) regarding any intentional or accidental use of OC spray.**
- 4.1. **The probation officer shall submit the completed form to the supervisor, Chief Probation Officer and Trial Court Executive immediately following the incident.**
  - 4.2. **The Chief Probation Officer shall provide the completed Report of Discharge of Oleoresin Capsicum Spray Form to the Court Security Director after the incident for a review and response.**
5. ~~Any intentional or accidental use of O.C. spray, except during training, will be documented on an O.C. Spray Use Report Form (Addendum 5.5.1) and on a Court Security Incident Report Form (Addendum 5.6.1). These forms will be~~

~~completed before leaving at the end of the shift. Reporting forms shall then immediately be forwarded to the supervisor and trial court executive.~~

~~5.1. The trial court executive shall forward this report to the State Court Security Officer.~~

~~5.2. The use of O.C. spray contrary to policy may result in the revocation of the staff's authorization to use the spray and/ or disciplinary action.~~

~~6. Each district shall develop a policy for disposal of expired O.C. spray canisters according to the recommendations of the manufacturer.~~

#### **Addendum 5.5.1 Authorization and Acknowledgement Form**

#### **Addendum 5.5.2 Report of Discharge of Oleoresin Capsicum Spray Form**

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##### **History:**

Effective September 13, 2006

**Legal Review July 29, 2019**

**Updated by Policy Committee July 30, 2019**

**Approved for release for comment by BJCJ September 11, 2019**

**Approved by Chiefs January 9, 2020**

**Approved by JTCE group February 6, 2020**

**Approved by BJCJ March 13, 2020**





# Tab 16





## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

April 17, 2020

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO: Management Committee / Judicial Council**

**FROM: Keisa Williams**

**RE: Rules for Public Comment**

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Policy and Planning Committee recommends the following rules to the Judicial Council for public comment.

#### **CJA 3-402 – Human Resources Administration**

The amendments include clarifying language, provide consistency with relevant state statutes and current practices, and align with the Judicial Council's direction.

#### **CJA 4-202.08 – Fees for records, information, and services.**

Technology is constantly changing. The court frequently receives requests for records and other information to be put on a thumb drive. The courts are purchasing the thumb drives to ensure their integrity and therefore there should be a charge. Amendments at lines 26, 31-32 account for the use of thumb drives and other current technology, and amendments at lines 32 and 35 increase the charge for storage devices from \$10.00 to \$15.00.

#### **CJA 4-411 – Courthouse Attire (NEW)**

In May 2019, the Self-represented Parties Committee asked the Judicial Council to pass a resolution stating that no person will be denied access to a courthouse or courtroom based on their manner of dress. The Council was supportive and sent the request over to the Policy and Planning Committee with instructions to work on appropriately tailoring a resolution that balanced the need for decorum and safety with the need for keeping our courts open.

The Policy and Planning Committee determined that a rule would be more appropriate than a resolution. Policy and Planning sought feedback from members of the Judicial Council, all of the Boards of Judges, and the Self-Represented Parties Committee. Policy and Planning's goal in drafting this rule was to strike the right balance between access to justice, public safety, and judicial discretion.

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

**Rule 3-402. Human resources administration.****Intent:**

To establish guidelines for the administration of a human resources system for the judiciary.

**Applicability:**

This rule shall apply to all non-judicial officer ~~state~~ employees in the judicial branch.

**Statement of the Rule:**

(1) A department of human resources is established within the Administrative Office to ~~guidedirect and coordinate~~ the human resources activities of the judiciary.

(2) The department of human resources shall provide the necessary human resources services to the judiciary in compliance with the state constitution, state statute, and this Code. The department of human resources shall provide ~~keep~~ all state employees in the judicial branch information regarding ~~informed of~~ benefits, compensation, retirement, and other human resources related matters.

(3) The human resources policies ~~and procedures~~ for non-judicial officer employees:

(3)(A) shall include classification of career service exempt (at-will) and non-exempt jobs, designation of FLSA exempt and non-exempt jobpositions, guidelines governing recruitment, selection, classification, compensation, working conditions, grievances and other areas deemed necessary; and

(3)(B) shall be based upon the following merit principles:

(3)(B)(i) the recruitment, selection and promotion of employees based upon relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

(3)(B)(ii) a salary schedule which provides for equitable and adequate compensation based upon current job market data gathered at least ~~studies conducted~~ every three years including ~~of the~~ salary levels of comparable positions in both the public and private sector, local labor market information and trends, other relevant data, and available funds;

(3)(B)(iii) employee retention on the basis of ~~adequate~~ performance that enhances and/or advances the mission of the judiciary—where appropriate, provision will be made for correcting ~~inadequate~~ performance and separating employees whose performance or

~~misconduct interferes with or fails to advance the mission of the  
judiciary; inadequate performance cannot be corrected;~~

(3)(B)(iv) fair treatment in all aspects of human resources  
administration without regard to sex, gender, age, ancestry, national  
origin, race, color, religious creed, mental or physical disability or  
medical condition, sexual orientation, gender identity or expression,  
marital status, military or veteran status, genetic information, or any  
other category protected by federal, state or applicable local law ~~to race,  
color, religion, sex, national origin, age, creed, disability, political  
affiliation, sexual orientation, gender identity, or other non-merit factors  
and proper regard for employees' constitutional and statutory rights as  
citizens;~~ and

(3)(B)(v) notification to employees and an explanation of their political  
rights and prohibited employment practices.

(4) The state court level administrator shall be responsible for the day-to-day administration of  
the human resources system within that court level. A director of human resources, appointed  
by the State Court Administrator, shall be responsible for ~~effective governance~~ directing and  
coordinating the human resources activities of the human resources ~~department system~~ and will  
assist the state level administrators, ~~and~~ court executives and other managers with human  
resources related matters.

(5) Human resources policies ~~and procedures, including and~~ a Code of Ethics for non-judicial  
~~officer~~ employees, shall be adopted by the Council in accordance with the rulemaking provisions  
of this Code ~~and shall be reviewed every three years.~~

(5)(A) There is established a ~~H~~human ~~R~~resources ~~P~~policy ~~and procedure~~ ~~R~~review  
~~e~~Committee responsible for making and reviewing proposals for ~~repealing~~ human  
resources ~~policy amendments~~ ~~policies and procedures and promulgating new and~~  
~~amended human resources policies and procedures.~~ The committee shall review  
human resource policies at least every three years. The committee shall consist of  
the following voting members, which, where indicated, must be selected by majority  
vote of the entire body of the specified group:

(5)(A)(i) the director of human resources;

(5)(A)(ii) two trial court executives, selected by the trial court  
executives;

(5)(A)(iii) three clerks of court (one juvenile, one district, and one  
appellate), selected by the clerks of court;

(5)(A)(iv) a chief probation officer from the juvenile court, selected by  
the chief probation officers; and

69 (5)(A)(v) a case manager, selected by the clerks of court.

70 (5)(B) The chair of the committee shall be designated by the state court  
71 administrator. Other members of the committee shall be appointed in a manner  
72 consistent with Rule 1-205. The department of human resources shall provide  
73 necessary support to the committee. Other non-voting members may be assigned  
74 by the Policy and Planning Committee, as necessary to assist the committee.

75 (5)(C) Pursuant to Rule 1-204, new and amended policies ~~and procedures~~, or  
76 repeals, recommended by the committee shall be reviewed by the Policy and  
77 Planning Committee prior to being submitted by the Policy and Planning Committee  
78 to the Judicial Council.

79 (6) A grievance review panel is established within the grievance process to sit as a quasi-  
80 judicial body and review any action taken under the authority of the judiciary's human resources  
81 ~~policies~~~~procedures~~ and which pertains to decisions regarding employee promotions, dismissals,  
82 demotions, suspensions, reductions in force, wages/salary if an employee is not placed within  
83 the salary range of the employee's current position, ~~salary~~, violations of human resources  
84 policies~~rules~~, and the equitable administration of insurance, retirement, or leave benefits,  
85 ~~reductions in force and disciplinary actions~~.

86 (7) An official human resources file for each employee shall be maintained in the  
87 Administrative Office and shall include the following records: ~~leave records, education records,~~  
88 biographical information, ~~performance plans and appraisals~~, records of official human resources  
89 action, standards of performance expectations, corrective actions, records of official disciplinary  
90 action and supporting documentation, ~~letters of commendation~~, job applications, and payroll and  
91 benefits information.

**Rule 4-202.08. Fees for records, information, and services.****Intent:**

To establish uniform fees for requests for records, information, and services.

**Applicability:**

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self Help Center.

**Statement of the Rule:**

**(1) Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

**(2) Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

**(3) Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (H): \$.25 per sheet;

(3)(B) microfiche: \$1.00 per card;

(3)(C) audio tape: \$10.00 per tape;

(3)(D) video tape: \$15.00 per tape;

(3)(E) ~~floppy disk or compact disk~~ electronic storage medium other than of court hearings: \$1~~50~~.00 per ~~disk unit~~;

(3)(F) electronic copy of court reporter stenographic text: \$25.00 for each one-half day of testimony or part thereof;

(3)(G) electronic copy of audio record or video record of court proceeding: \$1~~50~~.00 for each one-half day of testimony or part thereof; and

(3)(H) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

**(4)(A) Mailing.** The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.



**(4)(B) Fax or e-mail.** The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

**(5) Personnel time.** Personnel time to copy the record of a court proceeding is included in the copy fee. For other matters, there is no fee for the first 15 minutes of personnel time. The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record, information, or service:

- (5)(A) clerical assistant: \$15.00 per hour;
- (5)(B) technician: \$22.00 per hour;
- (5)(C) senior clerical: \$21.00 per hour
- (5)(D) programmer/analyst: \$32.00 per hour;
- (5)(E) manager: \$37.00 per hour; and
- (5)(F) consultant: actual cost as billed by the consultant.

**(6) Public online services.**

(6)(A) The fee to subscribe to public online services shall be as follows:

- (6)(A)(i) a set-up fee of \$25.00;
- (6)(A)(ii) a subscription fee of \$30.00 per month for any portion of a calendar month; and
- (6)(A)(iii) \$.10 for each search over 200 during a billing cycle. A search is counted each time the search button is clicked.

(6)(B) When non-subscription access becomes available, the fee to access public online services without subscribing shall be a transaction fee of \$5.00, which will allow up to 10 searches during a session.

(6)(C) The fee to access a document shall be \$.50 per document.

**(7) No interference.** Records, information, and services shall be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public online services whose use interferes with computer performance or access by other users.

**(8) Waiver of fees.**

(8)(A) Fees established by this rule other than fees for public online services shall be waived for:

- (8)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;
- (8)(A)(ii) any person who is the subject of the record and who is impecunious; and
- (8)(A)(iii) a student engaged in research for an academic purpose.

(8)(B) Fees for public online services shall be waived for:

- (8)(B)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;
- (8)(B)(ii) any government entity of Utah or its political subdivisions;

86 (8)(B)(iii) the Utah State Bar;  
87 (8)(B)(iv) public defenders for searches performed in connection with their duties as  
88 public defenders; and  
89 (8)(B)(v) any person or organization who the XChange administrator determines offers  
90 significant legal services to a substantial portion of the public at no charge.

**Rule 4-411. Courthouse attire.****Intent:**

To ensure that Utah's courts are open in accordance with Article 1, Section 11 of the Utah Constitution while balancing the need for decorum in court proceedings and safety of all persons having business in Utah's courthouses.

**Applicability:**

This rule applies to all Utah justice courts, district courts, juvenile courts, and appellate courts.

**Statement of the Rule:****(1) Open courts, personal attire, and judicial officer decision-making.**

(1)(a) Except as provided in paragraphs (2), (3), and (4), no person having business in any court shall be denied access to a courtroom or courthouse based solely on the person's attire.

(1)(b) All courtroom access decisions based on a person's attire shall be made in accordance with this rule by a judicial officer on a case-by-case basis. "Judicial officer" is defined as a judge or court commissioner.

(1)(c) With respect to courtroom access decisions based on a person's attire, the role of a court bailiff, court security, or court staff is limited to answering questions and enforcing a judicial order.

**(2) Courthouse security.**

(2)(a) Court security personnel may deny access to a courthouse, if a person's attire raises a legitimate safety or security threat.

(2)(b) Court security personnel may deny access to a courtroom based on a person's attire to enforce a judicial order.

**(3) Integrity of court proceedings.**

(3)(a) A person may be denied access to a courtroom if a judicial officer decides that a person's attire would:

(3)(a)(i) disrupt the proceedings;

(3)(a)(ii) prejudice any victim or party to the proceedings; or

(3)(a)(iii) introduce a legitimate safety or security threat.

(3)(b) A judicial officer making a decision to deny access to a courtroom based on the factors in subsection (3)(a) shall make specific findings on the record justifying the decision.

**(4) Contrary statements.**

(4)(a) All statements contrary to this rule are hereby rescinded.

35        (4)(b) All statements contrary to this rule shall be removed, including statements  
36        expressed in any courthouse, courtroom, website, or policy manual.