

Pretrial Release and Supervision Committee
Matheson Courthouse
Council room
450 South State St.
Salt Lake City, Utah 84111

September 8, 2016

Members Present

Judge Todd Shaughnessy – Chair
Patrick Anderson (for Patrick Corum)
Brett Barratt
Wayne Carlos
Judge George Harmond
Robert Hilder
Brent Johnson (via phone)
Pat Kimball
Judge Brendan McCullagh
Judge Paige Petersen
Judge Rick Romney (via phone)
Rick Schwermer
Adam Trupp
Jennifer Valencia
Sheriff Jim Winder

Members Excused

Judge Angela Fomesbeck
Representative Hutchings
Senator Hillyard

Staff

Keisa L. Williams

Guests

Chief Justice Durrant
Andrea Parrish
Matthew Taylor
Dan Becker
Ray Wahl

(1) Welcome.

Judge Todd Shaughnessy welcomed the committee to the meeting. Judge Shaughnessy introduced Chief Justice Durrant to the meeting and thanked him for his time. Chief Justice Durrant briefly spoke about his appreciation on behalf of the Judicial Council to all of those serving on the committee. Chief Justice Durrant said Judge Shaughnessy's work on the committee is invaluable. Chief Durrant stated that Judge Shaughnessy will be on the Judicial Council; therefore, he must step down because the rules prohibit someone from being on the Council and a standing committee. However, Judge Paige Petersen is a rising star in the judiciary and will be invaluable. Judge Shaughnessy noted that Sheriff Winder is willing to serve on this committee in lieu of one of the members of Sheriff Winder's team.

The committee members introduced themselves and their titles.

Judge Shaughnessy next discussed the structure of the committee. Judge Shaughnessy invited all members of the committee to an open discussion if they have any questions or comments. Judge Shaughnessy provided the committee with pretrial statistics. The greatest disturbing fact is that detaining low and moderate risk defendants increases their chances for reoffending significantly. The three primary goals for a risk-based system are: 1) minimize the risk of nonappearance; 2) minimize danger to the community; and 3) maximize the number of pretrial detainees. Judge Shaughnessy stated an assessment needs to be completed then close monitoring

afterwards. Judge Shaughnessy noted the ultimate goal is to reduce recidivism. Judge Shaughnessy said that for counties who don't have pretrial services, defendants are released on their own recognizance.

Judge Shaughnessy said a court IT person would be joining the committee meetings so that the committee and the Legislative Auditors can come together to create a system that would allow judges to be able to track more information.

(2) Committee Organization.

Judge Shaughnessy then discussed the pretrial release goals. The goals are as follows: 1) implement the study committee's recommendations; 2) study current practices and recommend necessary changes; 3) recommend a state-wide risk assessment tool; 4) recommend pretrial monitoring services appropriate for each jurisdiction and provide assistance for implementation of those services; 5) recommend guidelines for financial and nonfinancial release conditions; 6) assess data collection and recommend improvements; 7) recommend training for judges, lawyers, and other stakeholders; 8) recommend necessary statutory and rule changes; 9) provide ongoing monitoring and the assessment of the programs that are being used in the state; and 10) provide an annual progress report to the Judicial Council.

The committee agreed to the creation of three (3) subcommittees for completing this work. Judge Shaughnessy said if anyone wants to volunteer for a particular subcommittee to please let them know. The committee decided to combine the pretrial risk assessment tool subcommittee and the pretrial monitoring program subcommittee, leaving three subcommittees, the combined one, data collection, and legal. The committee discussed what each subcommittee would be responsible for. Ms. Williams will rework the list and then once approved by the Chair, the list will go out to the committee to first seek volunteers.

(3) Risk Assessment Tool Subcommittee.

Judge Shaughnessy began the risk assessment tool discussion by stating that an ad hoc committee had already been created. Judge Shaughnessy asked Dan Becker to explain the current status of the ad hoc committee. Dan Becker discussed the financial needs. Originally there was \$100,000 set aside. The hope was that the Arnold Foundation would choose Utah as one of their sites to implement the PSA tool. This tool relies on static data therefore the cost is far less. As it turns out, the Arnold Foundation did not select Utah for this year. Mr. Becker stated the CCJJ looked elsewhere but found no other programs available for a reasonable price. Mr. Becker said they approached the Arnold Foundation to potentially utilize the program in Utah under a mentor state. The people in Arizona were interested in working with Utah. Mr. Becker said the amount was recently increased for this effort to \$200,000. The concept is, with the assistance from Arizona, this tool can be a reality.

Ms. Williams initially discussed the PSA tool and how it works. Ms. Williams included with the meeting packet documents to help the committee understand how the pretrial risk assessment tool is used. Ms. Williams noted the Arnold Foundation is the only program that is static-only, which means there is no interview with the defendants. It was noted that this omits any potential perceived bias, as defendants do not typically have legal counsel present during these interviews. There was discussion on whether using a static-only tool was more beneficial than using one that requires an interview with the defendants. Ms. Williams noted the Arnold Foundation will be here in November to meet with different groups of individuals as well as tour courthouses and jails. Ms. Williams stated it would be a good idea for the committee to meet during the visit.

Ms. Williams discussed the CORIS rewrite which will help identify data collection issues. The window of opportunity is limited so any requests/changes need to be decided on soon.

The committee discussed how probation officers have a different mindset than pretrial services. Pretrial services are not meant to closely monitor defendants. They then continued the discussion of what questions they would have for the Arnold Foundation. Ms. Williams said New Jersey is the only state that has fully automated the PSA tool. Currently, Utah shares criminal history data, including arrests, dispositions, protective orders, and warrants

with the Utah Department of Public Safety. Ms. Williams stated she and Ron Bowmaster, from IT, will meet with the Chief Information Officer for Public Safety to come up with an agreement about data-sharing. Ms. Williams stated that, if Public Safety agrees to give the Courts access to their databases, Mr. Bowmaster believes his team can fully automate the PSA tool. Ms. Williams stated that in Arizona and Salt Lake County, it takes a person approximately 30 minutes to complete each assessment. The committee discussed that sometimes that number can vary considerably if the defendant is not cooperative.

(4) Set Future Meeting Schedule.

Judge Shaughnessy discussed who should attend the meetings. Wayne Carlos noted that there are some key people in the bail industry that might be of good assistance, however, he didn't want to open the doors to everyone. The committee briefly discussed whether the committee meetings are public or private. Although, legally, they are not public, common practice for most standing committees is to allow visitors to sit quietly and observe meetings with notice to staff. The committee opted not to allow the general public to attend the meeting because this committee does not approve policy, but would allow attendees with prior approval to attend for observation purposes only. Visitors would not be allowed to address the committee unless they were given permission to be included on the Agenda. The committee agreed that Keisa Williams will be the gate-keeper for requests from people to attend. The committee further agreed to meet on the first Thursday of every other month. Ms. Williams will send an invite to the members.

Judge Shaughnessy stated the workload initially will be more cumbersome so the committee needs to go through these issues and divide out the tasks, such as creating subcommittees. One of the challenges is the diversity of the committee members. The committee briefly discussed target deadlines and timelines. Rick Schwermer made a point that many of the members will not be able to meet during the legislative session.

(5) Other Business.

Judge Shaughnessy stated there will be a notice that goes out to the committee once the Arnold Foundation tour dates are set. The next meeting was scheduled for November 3rd. There being no further business, the meeting adjourned at 2:09 pm.