

**UTAH JUDICIAL COUNCIL  
STANDING COMMITTEE ON PRETRIAL RELEASE AND SUPERVISION  
MEETING AGENDA**

Judicial Council Room (N301), Matheson Courthouse  
450 South State Street, Salt Lake City, Utah 84114  
January 1, 2019 – 12:00 p.m. to 2:00 p.m.

12:00	Welcome and Introduction of New Member(s) / Staff Attorney	Discussion		Judge Harmond
12:05	Approval of Minutes	Discussion / Action	Tab 1	Judge Harmond
12:10	PSA and PC Working Group Update: - <i>PSA Launch</i> - <i>PC / PSA Statistics</i>	Discussion	Tab 2	Jim Peters / Michael Drechsel
12:55	Salt Lake County Pretrial Services: - <i>Outcome Tracking</i> - <i>Customized Decision-Making Framework (DMF)</i> - <i>Determination of supervision options for each PSA level</i>	Discussion	Tab 3	Michael Drechsel
1:20	Subcommittee Assignments: - <i>Pretrial Supervision Programs</i> - <i>Indigency Determinations</i>	Discussion / Action	Tab 4	Judge Harmond
2:00	Adjourn	Action		Judge Harmond

**COMMITTEE WEB PAGE:** <https://www.utcourts.gov/utc/pretrial-release/>

**UPCOMING MEETING SCHEDULE:**

Meetings are held at the Matheson Courthouse in the Judicial Council Room (N301), on the first Thursday of each odd-numbered month from 12:00 noon to 2:00 p.m. (unless otherwise specifically noted):

November 1, 2018  
January 3, 2019  
March 7, 2019  
May 2, 2019  
July 11, 2019  
September 5, 2019  
November 7, 2019

# TAB 1

## Minutes from May 3, 2018 Meeting

NOTES:

**UTAH JUDICIAL COUNCIL  
STANDING COMMITTEE ON PRETRIAL RELEASE AND SUPERVISION  
MEETING MINUTES**

Judicial Council Room (N301), Matheson Courthouse  
450 South State Street, Salt Lake City, Utah 84114  
May 3, 2018 – 12:00 p.m. to 2:00 PM

**DRAFT**

Members Present

Judge George Harmond – Chair  
Lt. Cory Kiddle (for Undersheriff Scott Carver)  
Pat Kimball  
Cara Tangaro  
Marshall Thompson  
Wayne Carlos  
Kimberly Crandall  
Reed Stringham  
Judge Brook Sessions (for Judge Rick Romney)  
Judge Brendan McCullagh  
Ray Wahl (for Rick Schwermer)

Members Excused

Undersheriff Scott Carver  
Judge Angela Foncesbeck  
Brent Johnson  
Judge Rick Romney  
Rick Schwermer  
Jacey Skinner

Staff

Keisa Williams  
Minhvan Brimhall – Recording Secretary

Guests

Dyon Flannery  
Rena Cowley  
Tony Schow

**WELCOME AND INTRODUCTION OF NEW MEMBERS**

Judge Harmond welcomed committee members to the meeting. As new members are participating in today's meeting, Judge Harmond asked for a brief introduction from all those in attendance. Judge Harmond welcomed the new members and thanked them for their participation in this committee.

**APPROVAL OF MINUTES**

Judge McCullagh made a motion to approve minutes from the January 11 meeting. Mr. Stringham seconded motion. With no further discussion, the minutes were approved unanimously.

**UPDATES**

*PSA Training and Implementation:*

Ms. Williams has been traveling to various districts throughout the State in providing training on the PSA program. The new go live date is roughly between now and June 30. Ms. Williams has received primarily positive responses to the new PSA program. Once the program is fully functioning, Ms.

Williams believes the PSA program will provide better information in how jurisdiction can improve services to constituents.

*Utah Rules of Criminal Procedure 7 and 9:*

Judge McCullagh provided an update on the amended Utah Rules of Criminal Procedure that came out from the Rules of Criminal Procedure Committee. Having been adopted by the Utah Supreme Court, the effective date of these rules was May 1, so these rules are now in effect.

Rule 7 and 7A discusses initial processes as appropriate to each level of court. Judge McCullagh provided explanation about the rules.

Rule 9 discusses procedure for arrest without a warrant. If no information has been filed; a defendant may be released by end of business day on the fourth day after the day of their arrest. If the fourth day is a holiday or weekend, the defendant will be released on the next business day. This is, in essence, a statewide filing deadline requirement. A magistrate may extend the deadline for good cause based upon an adequately supported request from the prosecutor.

Ms. Tangaro is on the committee that addressed Rule 9. The committee has voted to make a minor change to Rule 9A in response to some judicial feedback. The minor change does not affect the outcome of the rule, but merely makes a minor language change.

Ms. Williams would like the time frame to file to go down to 72 hours as this could be an issue with resources for incarcerated defendants, as well as allowing longer time for defendants to receive counsel in preparation for a hearing. A defendant could potentially be incarcerated longer than necessary if counsel is unable to prepare to address bail at the initial hearing. This could amount to multiple weeks of incarceration prior to a solid bail hearing.

Judge Harmond commented that this piece of legislation will allow for both parties an opportunity to be heard at the initial hearing and potentially allow defendants to avoid longer than necessary jail time. Many courts throughout the state are already implementing the rules. Because of video arraignments that are being used in several jurisdictions, judges can hold certain hearings much more quickly. Monetary bond will still be a very important part of the decision most judges make during the initial hearing.

**NEXT PROJECTS FOR THE COMMITTEE**

*Customized DMFs (Decision Making Framework):*

Ms. Williams discussed the DMF report that judges see when making probable cause determinations. Recommendations at the bottom of the page provide a guideline to assist judges in deciding monetary bail, length of jail time, etc. Judges around the state were interested in having customized DMFs that reflect the supervision programs and release conditions available in that particular jurisdiction. As always, the DMF is a tool that judges may consider in making release decisions. Nothing in the tool mandates a particular outcome.

### *Pretrial Supervision Programs*

The DMF process will assist judges in pretrial supervision programs. Judge Harmond commented that it is ideal to have conditions of release will be the same throughout the state; however that is not feasible at this point due to disparity in pretrial release services. Several specific examples of pretrial supervision programs employed around the state were discussed. Each jurisdiction is addressing this issue as it works best for their region.

Ms. Williams has invited stakeholders from all levels of government to these trainings and educate them in this process. The difficulty at this stage is finding a process that will work throughout the state, throughout the different regions, and having a process that will accommodate judicial fairness across the board. Interest has been good from local governments to learn more about pretrial supervision. Funding is an ongoing concern.

Ms. Williams has shared outcome variables from each region with judges. They are surprised by the outcome of the data provided and are able to see disparities among the regions. Once the program launches, for this process to work, each region needs to participate, use the PSA program and make rulings based on recommendations made on the DMF. Otherwise, there is no ability to determine if the PSA provides better outcomes than in cases where over-supervising is taking place (including continued detention). The committee discussed why race isn't included as part of the data studied in the PSA / DMF. The PSA was designed to be race-neutral, so that is the biggest reason why race isn't included. There may be a way to reverse engineer that in a roundabout way to see whether these tools result in a disparate racial impact.

Mr. Carlos asked what is being accomplished when bail is set a higher amount. Judge Harmond states that typically it is to have an opportunity to collect more information that can be provided to the courts. This is not always the case but for the most part this is the only option that most courts have when trying to assess the situation. Prosecutors want to keep people in until some important issues can be resolved. Mr. Carlos notes that high bail affects the person who is signing the bail contract (moms, dads, family, friends, etc.) and the courts should look at whether that is the right result. Most regions do not have the right tool or resource to address pretrial supervision right now. Judge Harmond welcomes ideas from this Committee and those in the public in finding a solution to address these issues. The committee discussed other ramifications and complications associated with how to determine the right amount of bail. Based upon some questions and the conversation, Ms. Williams reviewed the PSA process and initial bail determination process, and the limitations of the PSA system to address cases that do not involve booking on a PC arrest. The group discussed the ability to manually calculate a PSA.

### *Tracking Pretrial Outcomes:*

Pat Kimball provided information that his group uses in performance outcome measures and review of mission critical data. They review their success rate by looking at how many people in their supervision do not fail to appear or have not been rearrested or have new technical violations or release conditions. They also look at safety measures based on how many are not rearrested under their supervision. They scored some of their PSA and compared to the SLPRI score. Those who are higher risk tend to score higher in the PSA. The people in the middle tend to be all over the place. They will continue to assess the differences.

Ms. Williams reports that they will be looking at PSA scores that come in under the new program and compare them to the scores provided by Mr. Kimball's group, though that isn't officially part of the study. What WILL be studied is whether the static PSA tool alone provides sufficient outcomes when compared to the same static PSA combined with interview responses.

Ms. Williams shared a chart that will be used to track outcomes and measures as used in the PSA. They are looking at a Harvard study as a guideline to compare overlap in outcomes and measurements. The Harvard study looks at failure to appear rates, did they miss court dates and how many they had before sentencing, how many arrest warrants they were issued, appearance rates (percentage of those who made all court appearances), new criminal activity, number of new charges, engagement in violent criminal activities, pretrial incarceration, number of days spent incarcerated, etc. There is good baseline data for FTAs, but other factors haven't been tracked in any uniform way. Ms. Williams states it is hard to get clear rates from certain jurisdictions due to not knowing how they track their rates. The new PSA program will assist in gathering that information, though there are still gaps in data tracking. For instance, we currently know, for each court appearance, whether a person is in custody. But we don't know how much time between court appearances a person remained in jail because the date a person is actually released from jail is not data that has been communicated to the court. So that data needs to be collected from the jails. Harvard is working through that as they architect the study. Other examples are provided by Ms. Williams (including what recommendations are made to the judge and of those, which are ordered by the judge). The Harvard study will need to be adjusted so that their rates and comparisons are accurate. Ms. Williams will discuss with the PSA working group on including a tracking measurement. The committee discussed what the various pretrial dispositions exist: entry of guilty / no contest plea, plea in abeyance, diversion, dismissal, and fail to file. The committee discussed how long a person should be under pretrial supervision when there is a release followed by a fail to file (as opposed to a fail to file release).

#### *Fine Schedule:*

Judge Harmond inquired about a meeting was held where "Bail/Fine Schedule" was changed to "Fine Schedule." Mr. Thompson reports that this change has not officially been made as the committee over this change is awaiting for the electronic PC and electronic PSA to be in place and will meet again to make official changes to this name.

#### *Prioritization of Committee's charge:*

Judge Harmond previously asked this committee to consider its prioritization and charge. In his opinion, this committee should be focusing on customizing the DMF and helping to structure the pretrial supervision programs. Ms. Tangaro likes the idea of educating and getting the statistics to show evidence based results. Ms. Williams has gone over the research with judges at conferences about the research that has been done across the country on risk assessments and how they can reduce dangers in the community. It will take time for judges to understand how to use the new PSA tools. It is the mid-range individuals that pose the greatest challenge for judges, especially in the absence of supervision programs. Being educated about research is important, but supervision options make taking action on that education possible. Ms. Williams believes the most important area to focus on would be statewide pretrial supervision services. It was suggested that the committee may look at the federal supervision programs. Ms. Williams agreed to ask the federal offices for additional information. The committee discussed whether bail assist in public safety.

Ms. Crandall suggests that if judges had more options regarding pretrial, prosecutors are more likely to stipulate to release on condition that certain supervision services are provided. Ms. Williams states that some counties already have this process in place (including how these programs are funded), but there is much left to accomplish statewide.

#### **NEXT MEETING POINTS OF DISCUSSION**

Judge Harmond reviewed this committee's charge under CJA 3-116. This committee is to assist counties with the implementation and development of pretrial supervision programs. Also, more about training for judges.

Ms. Williams would like to have this committee review at the next meeting:

- results of Ms. Williams' survey regarding pretrial programs around the state
- what services are out there, where the services are available, and costs associated with implementation of those services
  - Mr. Kimball notes that his cost for pretrial supervision per person is \$6.80 per day
  - Lt. Kiddle notes that the cost to incarcerate a person is \$100.84 per day
- bring back and review data from Mr. Kimball's group
- review monetary bail forfeiture process, so that bail can be a more effective tool
- obtain additional information from judges regarding their individual ability to consider the information that is being provided by the PSA

#### **ADJOURN**

There being no further business, Judge McCullagh made motion that the meeting adjourn. With no opposition, the meeting adjourned at 1:50 pm.

# TAB 2

## PSA and PC Working Groups Updates

**NOTES:** This section of agenda materials includes two separate documents that Jim Peters will discuss with the group as part of his update to the committee.

The first document is a report outlining the most recent numbers from the Weekly Probable Cause Submissions and PSAs (calculated by county). This report provides details regarding how many probable cause statements were submitted in each county for that week (including a breakdown of how many PCs included a State Identification numbers (SIDs)), how many PCs had a PSA report available for the judge to review, and if there wasn't a PSA available, the reason why.

The second document is a memo prepared by Harvard Law School's Access to Justice Lab. It details the timeline for the study that they will be conducting of the PSA, including some implementation issues that will affect that timeline (Section III.).



## Weekly Probable Cause Submissions and PSAs Calculated by County

Submitted: Aug 27, 2018 12:00:00 AM - Sep 2, 2018 11:59:59 PM

Run: Sep 3, 2018

County	Probable Cause				Public Safety Assessment							
	PC Submissions	PC w/no SID	PC w SID	Pct with SIDs	PSA Available at PC Determination	%	Insufficient Data				Excluded by Randomization	%
							Out of State Response-NLETS	%	No SID /Other	%		
BEAVER	4	1	3	75%	0	0%	3	75%	1	25%	0	0%
BOX ELDER	16	4	12	75%	7	44%	4	25%	5	31%	0	0%
CACHE	16	1	15	94%	10	62%	4	25%	2	12%	0	0%
CARBON	16	3	13	81%	7	44%	5	31%	4	25%	0	0%
DAGGETT	1		1	100%	1	100%	0	0%	0	0%	0	0%
DAVIS*	77	24	53	69%	12	16%	23	30%	15	19%	27	35%
DUCHESNE	15	6	9	60%	4	27%	5	33%	6	40%	0	0%
EMERY	3	1	2	67%	1	33%	1	33%	1	33%	0	0%
GARFIELD	4	3	1	25%	0	0%	0	0%	4	100%	0	0%
GRAND	11	5	6	55%	2	18%	4	36%	5	45%	0	0%
IRON	18	4	14	78%	7	39%	6	33%	5	28%	0	0%
JUAB	7	2	5	71%	5	71%	1	14%	1	14%	0	0%
MILLARD	9	6	3	33%	1	11%	3	33%	5	56%	0	0%
MORGAN*	4	4			0	0%	0	0%	4	100%	0	0%
SALT LAKE	361	70	291	81%	173	48%	138	38%	50	14%	0	0%
SAN JUAN	13	8	5	38%	4	31%	6	46%	3	23%	0	0%
SANPETE	10	7	3	30%	1	10%	1	10%	8	80%	0	0%
SEVIER	6		6	100%	1	17%	3	50%	2	33%	0	0%
SUMMIT	9	4	5	56%	6	67%	1	11%	2	22%	0	0%
TOOELE	25	2	23	92%	9	36%	11	44%	5	20%	0	0%
UINTAH	18	3	15	83%	9	50%	6	33%	3	17%	0	0%
UTAH*	101	12	89	88%	31	31%	25	25%	12	12%	33	33%
WASATCH	14	10	4	29%	3	21%	3	21%	8	57%	0	0%
WEBER*	98	17	81	83%	29	30%	27	28%	22	22%	20	20%
<b>Total</b>	<b>856</b>	<b>197</b>	<b>659</b>	<b>77%</b>	<b>323</b>	<b>38%</b>	<b>280</b>	<b>33%</b>	<b>173</b>	<b>20%</b>	<b>80</b>	<b>9%</b>

\*Counties with randomization



**To:** Utah PSA Working Group  
**From:** Christopher Griffin, Research Director, The Access to Justice Lab  
**RE:** Projected Timeline and Implementation Issues for Randomized Studies of the PSA in Utah  
**Date:** July 13, 2018

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## **I. Introduction**

This memo outlines the Access to Justice Lab’s (“Lab’s”) current timeline for pursuing randomized control trial (“RCT”) evaluations of the Public Safety Assessment (“PSA”) in five Utah counties: Davis, Morgan, Salt Lake, Utah, and Weber.<sup>1</sup> It also discusses the most pressing current implementation issues that could affect how the Lab conducts these studies.

## **II. Timeline**

The Lab recently submitted milestones to the Laura and John Arnold Foundation (“LJAF”) as part of a formal grant proposal covering its PSA evaluations in Utah and elsewhere. The milestones represent our best estimate of when each study component will be initiated and completed based on current implementation progress. That milestone schedule appears in Table 1.

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<sup>1</sup> There will only be four individual studies, however, because of Morgan County’s complete criminal justice administrative connection to Weber County.

*Table 1: Projected Access to Justice Lab Milestones for Utah PSA RCTs.*

Activity	Deadline
<b>RCT Study Launch 1<sup>2</sup>:</b> Davis County and Morgan/Weber County studies will launch.	September 1, 2018
<b>RCT Study Launch 2:</b> Salt Lake County and Utah County will launch.	November 1, 2018
<b>Site Visit 1:</b> The A2J Lab will visit staff at the Administrative Office of the Court and the jails in each study county to monitor the PSA’s deployment, compliance with the randomization scheme, and data entry.	April 1, 2019
The A2J Lab will use the first year of RCT data from Davis County and Morgan/Weber County to write and debug the computer software that will be used in the analysis.	March 1, 2020
<b>Site Visit 2</b>	April 1, 2020
The A2J Lab will use the first year of RCT data from Salt Lake County and Utah County to write and debug the computer software that will be used in the analysis.	May 1, 2020
<b>Randomization closes in Davis County and Morgan/Weber County.</b>	September 1, 2020
<b>Randomization closes in Salt Lake County and Utah County.</b>	November 1, 2020
<b>Site Visit 3</b>	May 1, 2021
The A2J Lab will produce a short interim data report for LJAF based on the first year of randomized cases in Davis and Morgan/Weber Counties.	August 31, 2021

<sup>2</sup> “Study launch” refers to the Lab’s formal collection of data connected to the availability of the PSA in a given jurisdiction even if randomized provision of the PSA already is underway.

Activity	Deadline
The A2J Lab will produce a short interim data report for LJAF based on the first year of randomized cases in Davis and Morgan/Weber Counties.	February 28, 2022
<b>Final Data Report 1:</b> The A2J Lab will produce and share with LJAF the final data report regarding the Davis County and Morgan/Weber County RCTs.	September 1, 2023
<b>Final Data Report 2:</b> The A2J Lab will produce and share with LJAF the final data report regarding the Salt Lake County and Utah County RCTs.	October 31, 2023

Should LJAF approve the proposal, the Lab will submit regular progress in addition to the data reports. If unforeseen circumstances necessitate any changes to the milestones, the Lab will need to submit them as grant amendments along with the progress reports.

### III. Implementation Issues Affecting the Timeline

The Lab’s ability to conduct the Utah studies according to the calendar in Section II depends on its ability to: (1) merge requirements of the studies with the separate, independent PSA implementation process and (2) obtain data necessary for analysis. To date, the Working Group has been immensely helpful with both objectives. The Lab has received data from all jurisdictions necessary to report power calculations, i.e., predictions of study length given a minimal predicted effect from the PSA’s provision, with the exception of Salt Lake County. The Working Group also has provided crucial guidance and feedback on integrating the RCT’s components with the implementation program, spearheaded by Justice System Partners.

The following issues will require our continued attention to ensure the integrity and utility of the evaluations.

#### *I. Documents*

Harvard University’s IRB recently approved a Lab study protocol covering each Utah jurisdiction. Such approval means that a committee considers the evaluations compliant with human subjects research ethical mandates set by the federal government and Harvard. As mentioned in June, the Lab must obtain signed consent forms from all judges and screeners before it can collect any data based on the decisions they render. AOC’s proposed changes to the consent forms have been incorporated, and the version presented this month may be distributed for signature.

We anticipate some disagreement or objection to the wording of the forms or even the need to sign them. The Lab is therefore more than willing to discuss in person the implications of the consent forms, randomized provision of the PSA, and any other issues judges or screeners might raise.

The Lab also seeks to execute an MOU with all stakeholders from which we plan to obtain data for the evaluation. Those stakeholders are:

- Utah Administrative Office of the Courts
- Salt Lake County Division of Criminal Justice Services
- Salt Lake County Sheriff's Office
- Davis County Sheriff's Office
- Utah County Sheriff's Office
- Weber County Sheriff's Office

The MOU presently is in the Lab's possession because the Salt Lake County Sheriff's Office sought to clarify language about identifiable information. As soon as Salt Lake County approves the change, the Lab can re-distribute the MOU for signatures.

## 2. *SID match rates*

The Working Group discussed in June the difficulties faced across jurisdictions with obtaining SIDs in time for the automated system to generate PSAs. The Lab understands that AOC hopes to make the SID a required field for all PC affidavit systems, but with an opt-out provision. There also appeared to be support for holding PCs in the system for a short period of time before transmission to judges. The Lab takes no position on which policies, if any, are chosen.

The studies will be more generalizable, however, the more PSA-eligible cases have PSAs generated (and provided to judges or screeners when randomized to that condition). The Lab therefore has requested data on (1) how many PC affidavits have been generated in Davis, Morgan, and Weber Counties and, among those, (2) how many had PSAs generated and transmitted (when randomized to have them provided), and (3) how many did not have PSAs generated and transmitted (when randomized to have them provided). (Note that PSAs randomized to the "no provision" condition can always be generated later, when the SID is available, with no effect on the study.) The first number will tell us how closely our sample size matches our predicted values, whereas the second and third figures will tell us how much attrition we are experiencing because of the SID requirement.

The milestones reflect an estimate that the attrition levels will be low enough to start data collection by September 1 outside of Salt Lake and Utah Counties. But the Lab needs to first understand the status quo, i.e., the extent to which study-eligible cases are not being included in the study.

### 3. *Utah County's probable cause affidavit system*

The Lab would appreciate from Utah County and/or the Working Group any update to Utah County's timeline for launching its PC affidavit system—and consequently its use of the PSA.

### 4. *Salt Lake County screening interviews*

During the June 2018 Working Group meeting, consensus seemed to emerge on using the Salt Lake County study to understand whether the availability of *only* three sets of questions--employment status, length of residency in the County, and ties to the community—along with the PSA makes a difference relative to the PSA alone. In other words, even if the Salt Lake County Division of Criminal Justice Services (“SLC Pretrial”) asks other questions for its own monitoring and supervision purposes, its staff would only consider this subset of questions (and the PSA) when making release decisions randomized to that condition.

Setting up and adhering to this protocol presents an obvious challenge. SLC Pretrial ideally would segment its staff so that individuals making release decisions on a particular arrestee do not also conduct the screening interview on that person. If we imagine splitting available staff on any shift into two groups, there are at least two possible approaches. In the first, Group 1 only makes release decisions and conducts no interviews, while Group 2 only conducts interviews and makes no release decisions. In the second approach, Group 1 interviews a set of arrestees, and Group 2 makes release decisions on that set; Group 2 would similarly interview a subset of arrestees for which Group 1 would make release decisions. Other solutions are likely to emerge, and the Lab welcomes proposals.

The Lab appreciates the complexity this introduces into SLC Pretrial's standard operating procedure. We would not request such a change unless it were crucial to study integrity. The reason it matters relates to what researchers call “contamination” of the randomization process. For the experiment to work well, the Lab has to shield all release decisions among the control group from *any* interview responses, and must prevent the treatment group release decision makers from observing any interview responses outside of the narrow set under investigation. The study requires that control case release decisions are made only with the PSA available and treatment case release decisions are made only with the PSA and the limited interview responses available.

Pat Kimball continues to work closely with the Lab on establishing a feasible solution, which should be in place by the time SLC Pretrial begins receiving PSAs through the electronic system.

## 5. *Timing of decision making in Salt Lake County*

The reverse of study contamination in Salt Lake County is also possible. Because SLC Pretrial only has authority to consider release for arrestees charged with crimes up to third degree felonies, judges will still make release decisions for the most serious charges. Moreover, when SLC Pretrial does not order release, a judge might review the case and make a different decision. The first fact highlights the need to include Salt Lake judges in the evaluation, and the second fact highlights a potential problem for conducting the study.

Because SLC Pretrial and judges likely consider many of the same cases at roughly the same time, judges might make their decisions before SLC Pretrial even conducts its screening interview. For the study to tell us as much as possible about the effects of interview-based information, it would be ideal to sequence the decisions more concretely. This approach would let SLC Pretrial conduct all interviews and make any decisions about release for arrestees with eligible charges (with or without the responses, depending on the randomization condition). For those arrestees within SLC Pretrial's release jurisdiction but not released by SLC Pretrial, judges would then have both the PSA and the interview responses (or not) to make their own decisions. Most important, they would only spend time issuing decisions on arrestees either outside SLC Pretrial's jurisdiction or those within it who were not released. This approach would carry the dual benefits of increasing efficiency and ensuring the study's integrity.

The Lab has briefly discussed reprogramming the PC system to achieve such sequencing with AOC and its IT staff. Their best estimate suggested that the necessary programming could be completed by March 2019. The Lab is willing to wait for that system change—and to adjust milestone expectations with LJAF—if the Working Group and Third District/Salt Lake County judges are willing to consider and adopt this approach.

## 6. *Salt Lake County overcrowding release*

Just as the Lab should include Salt Lake County judges in that jurisdiction's study (despite the primacy of SLC Pretrial), so too does the Lab now need to consider the role of its jail staff. The reason is that a comprehensive PSA study ideally would analyze all release decision makers at one well-specified point in time, i.e., release before an in-custody court appearance. During Chris Griffin's visit to the Salt Lake County Jail screening center on June 7, 2018, he learned about the high frequency of overcrowding release ("OCR") and that such release decisions can be made notwithstanding a decision by SLC Pretrial or a judge to impose conditions on release. As a result, it appears that three decision makers are relevant to release before court appearances.

The Lab has requested more information about how OCR decisions are made from Lt. Kiddle. It would also be helpful to receive data on (1) the number of arrestees who were not released by SLC Pretrial *and* had a bond imposed by a judge; and (2) the number of those that the Jail released OCR.

Finally, the Lab has inquired whether the PSA (and, if randomized to that condition, the interview responses) could be forwarded to jail staff making OCR decisions. The Lab recognizes that jail staff have not been trained on the PSA and that they have their own set of (as yet unknown) criteria for effectuating OCR. The Lab takes no position on how these materials are integrated into OCR decisions, but it does raise the need to consider whether and how they would be provided to relevant jail staff.



# TAB 3

## Salt Lake County Pretrial Services

**NOTES:** Pat Kimball was planning on being present to discuss these items himself, but had a work conflict in his schedule that prevents him from attending the committee meeting. Staff attorney, Mike Drechsel, met with Pat last week and collected the attached documents for the committee's review.

These materials include:

1) a copy of a Public Safety Report (PSA) that outlines the Salt Lake County Decision-Making Framework, including the recommended conditions for release associated with each risk level;

2) data reports prepared and maintained by Salt Lake Pretrial regarding screenings, risk levels (for both SLPRI and PSA), success and failure rates, caseloads, time on supervision, and other data points for 2018 (through July); there is also a bar graph showing numbers of screenings and active client counts for January 2016 – July 2018.

Additional information and explanation will be provided during the committee meeting.

# TAB 4

## New Subcommittees and Assignments

**NOTES:** The chair will discuss with the committee the creation of two new subcommittees: 1) Pretrial Supervision Programs; and 2) Indigency Determinations. This discussion will include consideration of the specific tasks that each subcommittee will undertake and membership assignments to the subcommittees. Some likely topics for subcommittee focus include:

**PRETRIAL SUPERVISION PROGRAMS SUBCOMMITTEE (PSPS):**

Identify what pretrial supervision programs exist across the state  
What is the associated cost to supervise vs. cost to incarcerate in each program?  
Are existing programs tracking outcomes? If so, what data is available?  
How are these programs funded (sheriff, county, community, etc.)?  
What lessons can be learned from those programs?  
What gaps in supervision services exist in those programs (if any)  
Make recommendations to the full committee

**INDIGENCY DETERMINATIONS SUBCOMMITTEE (IDS):**

Identify what indigency determinations processes exist across the state  
Are there any helpful national models / studies (e.g., New York's "counsel at first appearance" (CAFA) study, etc.)  
Identify a process for indigency determination at time of pretrial release decision  
    Video appearances within 24-48 hours of arrest?  
    How to have counsel appointed and present?  
Review emerging caselaw across the country  
Make recommendations to full committee

[No other materials follow for this agenda item.]