

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

Conference Rooms B & C, Matheson Courthouse  
450 South State Street, Salt Lake City, Utah 84114  
February 6, 2020 – 12 p.m. (noon) to 1 p.m.

<b>MEMBERS:</b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>GUESTS:</b>
Judge George Harmond <i>Chair</i>	<b>x</b>		Tony Choate, Second Chance Bail Bonds
Wayne Carlos	<b>x</b>		Kele Griffone, SLCo Criminal Justice Services
Kimberly Crandall	<b>x</b>		Brent Packer, Legislative Auditor
Judge Keith Eddington – by phone	<b>x</b>		August Lehman, Legislative Auditor
Rep. Eric Hutchings	<b>x</b>		
Brent Johnson	<b>x</b>		
Comm. Lorene Kamalu	<b>x</b>		<b>STAFF:</b>
Judge William Kendall	<b>x</b>		Keisa Williams
Lt. Corey Kiddle	<b>x</b>		Minhvan Brimhall (recording secretary)
Andrea Jacobsen (for Pat Kimball)	<b>x</b>		
Richard Mauro	<b>x</b>		
Judge Brendan McCullagh	<b>x</b>		
Judge Jeanne Robison	<b>x</b>		
Reed Stringham	<b>x</b>		
Cara Tangaro	<b>x</b>		
Joanna Landau (for Marshall Thompson)	<b>x</b>		

**Welcome and Approval of Minutes (Judge Harmond):**

Judge Harmond welcomed committee members and guests to the meeting. The committee considered the minutes from the October 3, 2019 meeting. With no objections or further discussion, Cara Tangaro moved to approve the minutes. Judge Robison seconded the motion. The minutes were unanimously approved.

**Pretrial Reform Subcommittee:**

Given the urgency of emerging pretrial caselaw, the Judicial Council created a pretrial reform subcommittee of this Standing Committee and charged the subcommittee with:

- conducting research into other states and identifying best practices nationally,

- starting from scratch on all pretrial laws and procedures, and identifying the “perfect” pretrial model,
- determining how Utah’s current processes differ from the “perfect” model,
- developing the perfect model for Utah,
- setting a goal for achieving the Utah model,
- identifying incremental milestones,
- identifying challenges to achieving the milestones (statutory amendments, funding, pretrial supervision resources, technology, etc.),
- recommending solutions to each challenge, and
- developing a plan of action.

The subcommittee will report its findings and recommendations to this Standing Committee on Pretrial Release and Supervision for review. The Standing Committee will make any necessary changes and present recommendations to the Judicial Council for consideration. The subcommittee members are:

- Judge Todd Shaughnessy (Chair) – 3<sup>rd</sup> District Court Judge, Judicial Council member
- Keisa Williams – AOC, Associate General Counsel
- Heidi Anderson – AOC, IT Director
- Doug Thompson – Utah County Public Defender, Chair of Supreme Court’s Advisory Committee on the Rules of Criminal Procedure
- Chris Allred – Weber County Attorney
- Sheriff Brian Nielson – Sanpete County Sheriff (Sheriff’s Association representative)

The subcommittee will be traveling to New Jersey in March to meet with the NJ judiciary, AOC staff, Pretrial Supervision Office, Public Defender, District Attorney, and others to study their pretrial reform efforts. Ms. Williams will provide an update from that visit at the next meeting. The subcommittee also hopes to visit or meet remotely with several other states engaging in widescale reform. The Judicial Council has asked the subcommittee to complete its work as quickly as possible.

Ms. Williams has been traveling around the state talking to judges, law enforcement, public defenders, and prosecutors about emerging pretrial caselaw and the Committee’s work. Ms. Williams has distributed memorandums to each stakeholder group and encouraged them to provide feedback as reform efforts progress. The most pressing and most challenging issues likely to come out of a case in Utah or the 10<sup>th</sup> Circuit is the need to provide judges with financial information at the time of arrest so that an individual’s ability-to-pay can be determined, and the infrastructure required to hold full due process hearings within 48 hours of arrest for individuals still in custody. The subcommittee will also be focusing on identifying technological solutions.

Committee members provided recommendations and ideas for consideration by the subcommittee in developing a proposal:

- The Utah League of Cities and Towns should be included
- Accessibility of clients and information is critical, especially PSAs and criminal histories

- Attorneys need the ability to communicate privately with clients prior to hearings, with sufficient time to adequately prepare
- Drill down into how information can be exchanged expeditiously, including communication with pretrial supervision staff
- Technical solutions should be used as much as possible

### **Technical Updates to PC System/PSA:**

#### **Decision-Making Framework**

Counties with pretrial supervision programs have different supervision options available at each supervision level (PRL 1-5). Currently, PSAs statewide only list “generic” conditions with a “where available” caveat to account for counties without pretrial services. Counties fortunate enough to have pretrial services must refer to a different, paper-version of their custom supervision conditions. In addition, the screens in Judicial Workspace do not provide a list of conditions so judges have to type in each condition separately.

In March, programming to customize each county’s unique supervision conditions on the decision-making framework page of the PSA will be complete, and judges’ screens in Judicial Workspace will list each condition separately so that judges can simply check the appropriate boxes. The programming also allows conditions to be edited on a county-by-county basis at any time if/when new programs are created or supervision conditions change. Ms. Williams provided a demonstration of the technical changes, screens viewed by judges, and changes to the DMF page of the PSA.

#### **National Criminal History Information**

When the court’s system queries the national criminal history database, the information that comes back from other states is indeterminable by a computer. When that happens, a PSA is not auto-generated, resulting in the loss of about 30% of PSAs statewide in any given week. The Judicial Council allocated approximately \$400,000 to fix the issue and that programming is underway with a completion date of no later than June 30, 2020. Once completed, the system will send PSAs with national criminal history “hits” to a queue. Humans will have to review the out-of-state criminal history information and re-calculate PSAs on a 24/7/365 basis. The re-calculated PSAs will be auto-generated and sent to judges in real time. Salt Lake County Pretrial Services has agreed to contract with the AOC to conduct the reviews/re-calculations. The Council will be reviewing budget allocations to account for those ongoing costs.

Ms. Williams met with Lincoln Shurtz at the Utah Association of Counties about getting on the next UAC conference agenda to discuss pretrial caselaw and reform efforts, but has not yet received a date/time. Commissioner Kamalu will work with Ms. Williams to secure a spot at the next conference.

#### **Committee meeting schedule:**

The Committee discussed meeting schedules and decided to:

- Cancel the March 5<sup>th</sup> meeting

- Change the meeting schedule to every other month starting April 2<sup>nd</sup>
- After the subcommittee has completed its work, the Committee will reassess the schedule to determine whether monthly meetings are needed
- All currently scheduled meetings will remain on the calendar as placeholders in case a meeting is necessary, with every other month canceled as the date approaches

**Adjourn:**

There being no further business, the meeting adjourned at 12:40 pm. The next meeting is scheduled for April 2, 2020 at 12 pm (noon) in the Judicial Council room.