



National Prosecutors' Consortium

Survey Highlights

Utah



Shellie E. Solomon
Craig D. Uchida
Christine Connor
Marc L. Swatt
Lauren Revier
Allie M. Quigley
Samantha Hock
Viviana Barrera





UTAH REPORT

Acknowledgements

The National Prosecutors' Consortium (NPC) is a collaboration funded by the Office of Justice Programs of the United States Department of Justice between Justice & Security Strategies, Inc. and Prosecutors' Center for Excellence.

The effort would not have been possible without the dedication of Robert Church, Director of the Utah Prosecution Council and Marilyn Jaspersen, Training Coordinator of the Utah Prosecution Council. We thank you for your excellent and tireless assistance with this project. We offer a special thank you to those in each of the 17 offices who completed the survey.

To cite this report:

Solomon, S. E., Uchida, C. D., Connor, C., Swatt, M. L., Revier, L., Quigley, A. M., Hock, S., & Barrera, V. (2019). National Prosecutors' Consortium Survey Highlights: Utah. Justice & Security Strategies, Inc.



This project was supported by Award No. 2015-DP-BX-K004 awarded to Justice & Security Strategies, Inc. by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this paper are those of the authors and do not necessarily reflect those of the Department of Justice.



TABLE OF CONTENTS

Background.....	1	Specialty Courts.....	12
Methodology.....	1	Alternatives to Incarceration.....	14
The Current State: Utah.....	2	Specialized Programs.....	15
Overview: Types of Cases.....	2	Community Programs.....	16
Chief Prosecutor.....	5	Technology.....	17
Office Budget.....	6	Body-Worn Cameras.....	17
Starting Salaries.....	8	Websites.....	19
Case Processing	8	Research.....	19
Number of Employees.....	10	Conclusions.....	20
Prosecutor Initiatives.....	12		



BACKGROUND

The National Prosecutors' Consortium (NPC), a collaboration between Justice & Security Strategies (JSS) and the Prosecutors' Center for Excellence (PCE), is designed to collect information on innovative programs employed by prosecutors' offices, to assist prosecutors in developing and deploying new programs, and to expand the research capacities of prosecutors' offices. The team developed a survey that is being administered at the county level across the United States on a state-by-state basis. This survey seeks to accomplish two objectives to support prosecution needs: 1) collection of a thorough baseline of information on the operation of county prosecutors' offices across the country, and 2) identification of those offices that have adopted innovative programs.



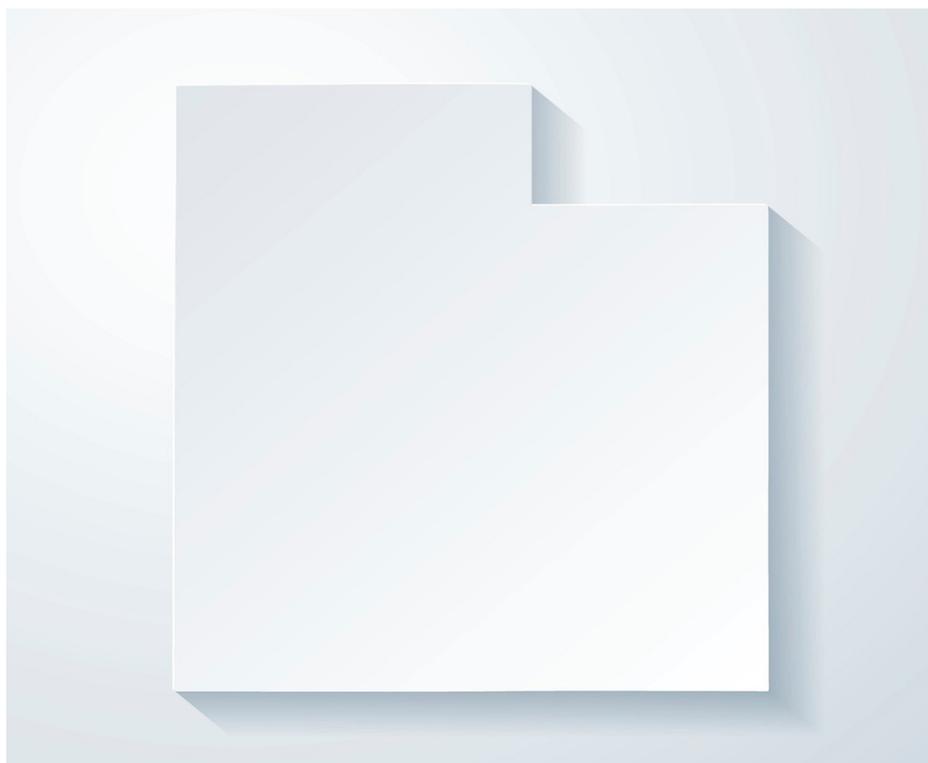
METHODOLOGY

NPC conducted focus groups with prosecutors and prosecutor coordinating offices. As part of this effort, NPC identified the desired topic areas and reviewed survey questions. The survey was designed as an agency-based questionnaire intended to collect data on the characteristics and operations within each prosecutor's office. The survey was delivered through an online, secure, cloud-based service using the *Qualtrics* survey platform. States are being offered this survey on a rolling basis.

As part of the data quality assurance process, we identified a battery of 84 questions that represent the core information requested by the survey. To minimize the proportion of missing data, the weighted number of completed responses was compared to a threshold. Offices in counties where the responses did not pass this threshold will be contacted and additional responses will be requested. This report discusses responses from all partially complete surveys, but there may be changes in the number of valid cases for some questions as follow-ups with agencies continue.

THE CURRENT STATE - UTAH

This report discusses preliminary results from the state of Utah. Out of the 35 prosecutors' offices operating in Utah, at the time of this report (December 16, 2019), 17 offices (49%) had completed the survey. Of these, 12 offices have jurisdiction over a county, while the remaining 5 have jurisdiction over a city. Because the city prosecutors do not handle felony cases, city and county offices will be discussed separately.



TYPES OF CASES

Figure 1A depicts the percentage of county prosecutors' offices handling specific types of cases. All responding offices (N = 12) reported handling all or at least some felonies, misdemeanors, infractions, and juvenile cases. Most offices (92%) reported handling some civil matters. Likewise, **Figure 1B** depicts the percentage of city prosecutors' offices handling specific types of cases. All city offices reported handling misdemeanor and infraction cases, while no city offices reported handling felony or juvenile cases. Most offices (80%) reported handling some civil matters.

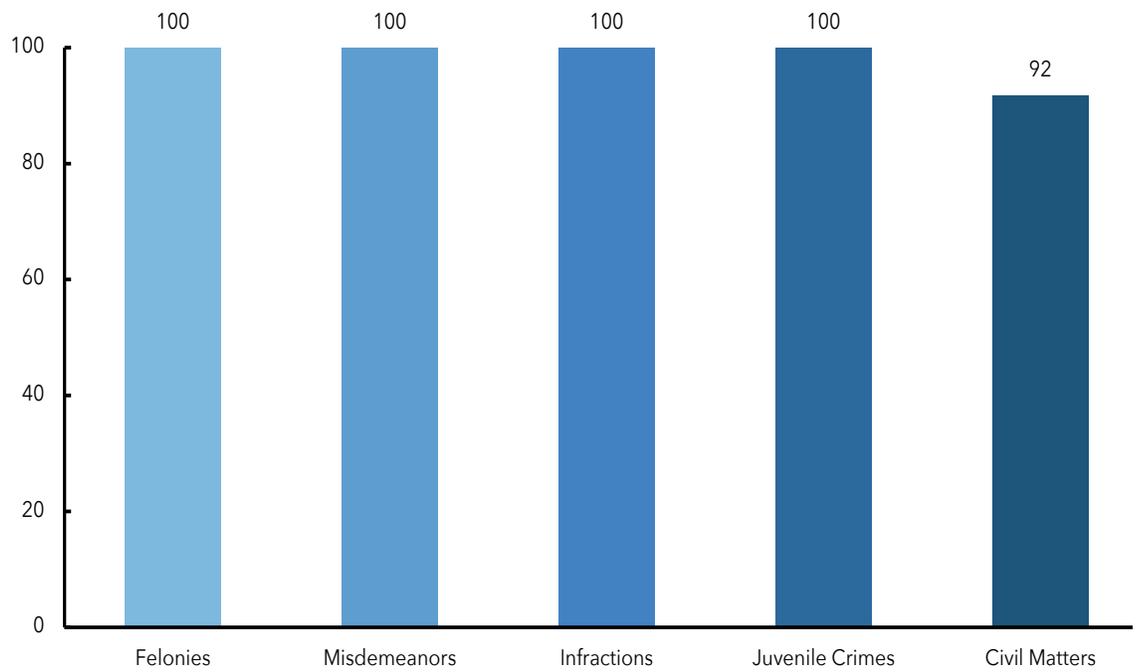


Figure 1A. Percentage of County Prosecutors' Offices with Jurisdiction over Cases by Type (N =12).

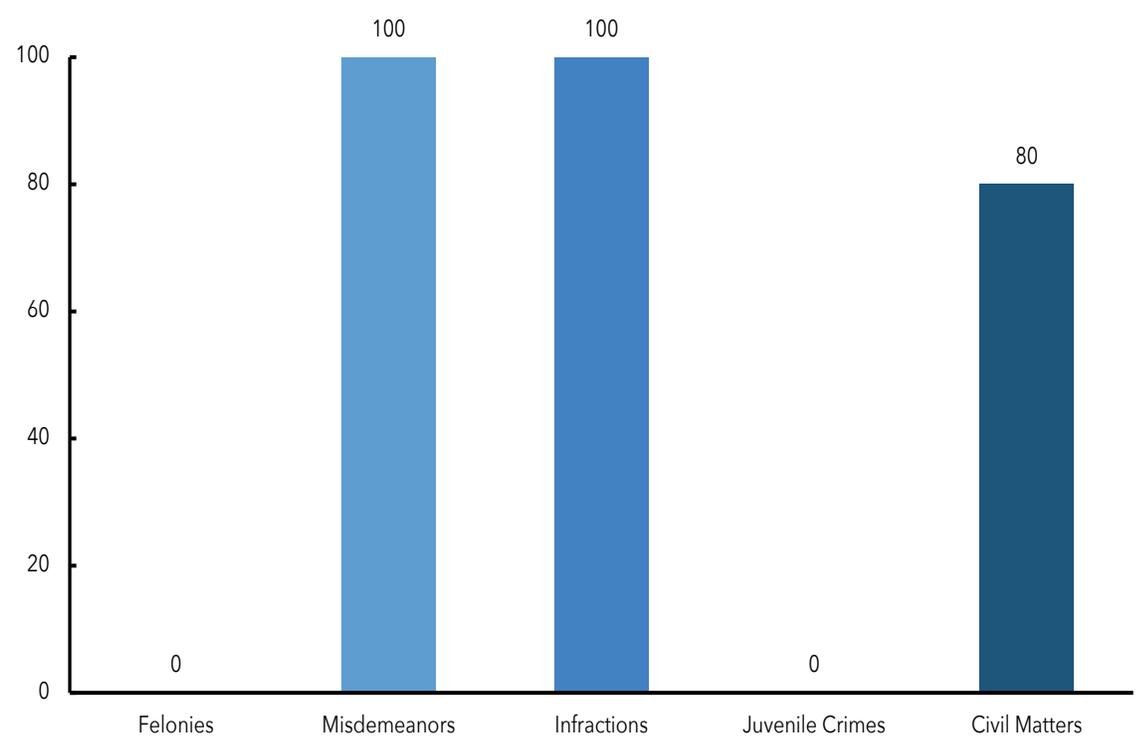


Figure 1B. Percentage of City Prosecutors' Offices with Jurisdiction over Cases by Type (N =5).

Figure 2A highlights the percentage of county prosecutors' offices involved in various types of civil matters. The majority of responding offices reported handling civil forfeitures (83%), nuisance abatement (75%), FOIA or other public information requests (67%), and mental health commitments (50%). Two offices reported handling adult protection cases (17%) and only one office reported handling child protection (8%) or child support (8%) cases. **Figure 2B** highlights the types of civil matters that city prosecutors' offices encounter. Most offices reported handling nuisance abatement (60%) and FOIA or other public information requests (60%). No offices reported handling child protection, adult protection, child support, civil forfeitures, or mental health commitments.

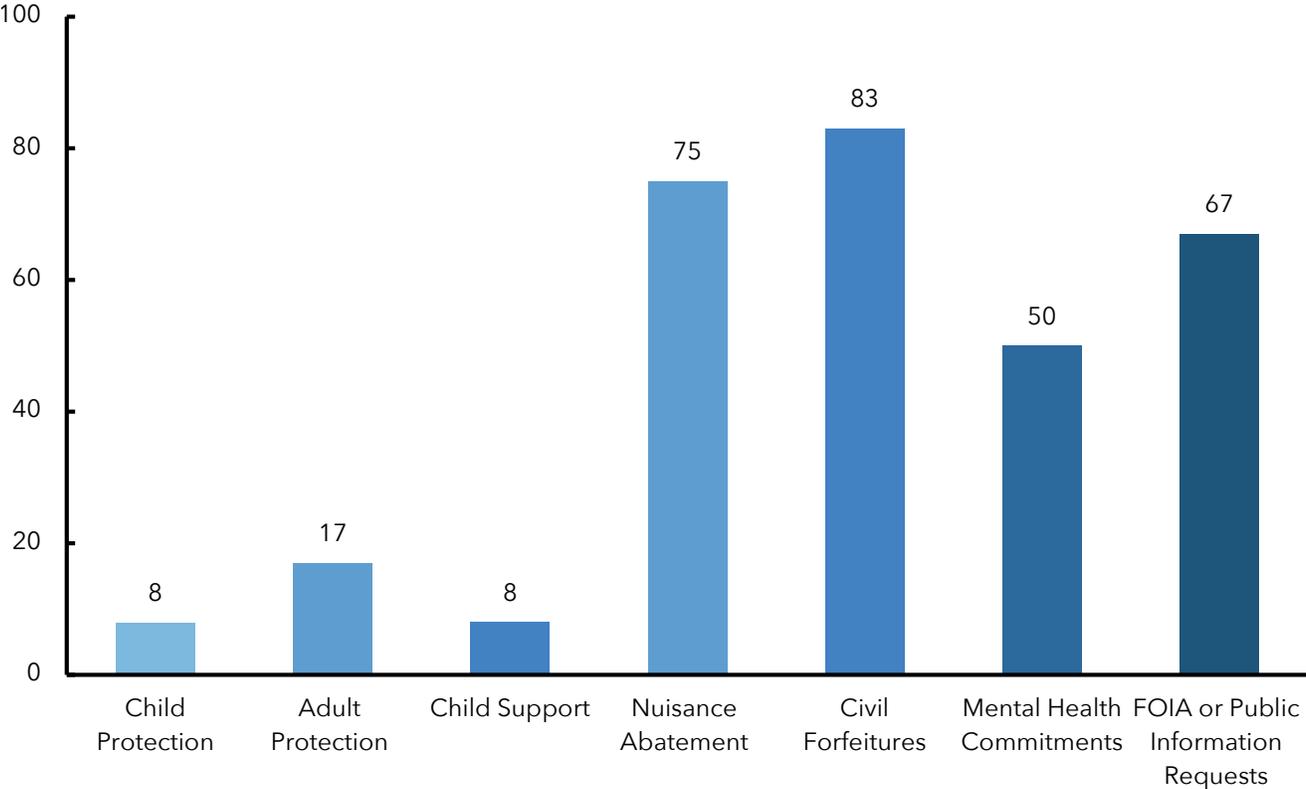


Figure 2A. Percentage of County Prosecutors' Offices with Jurisdiction over Civil Matters by Type (N = 12).



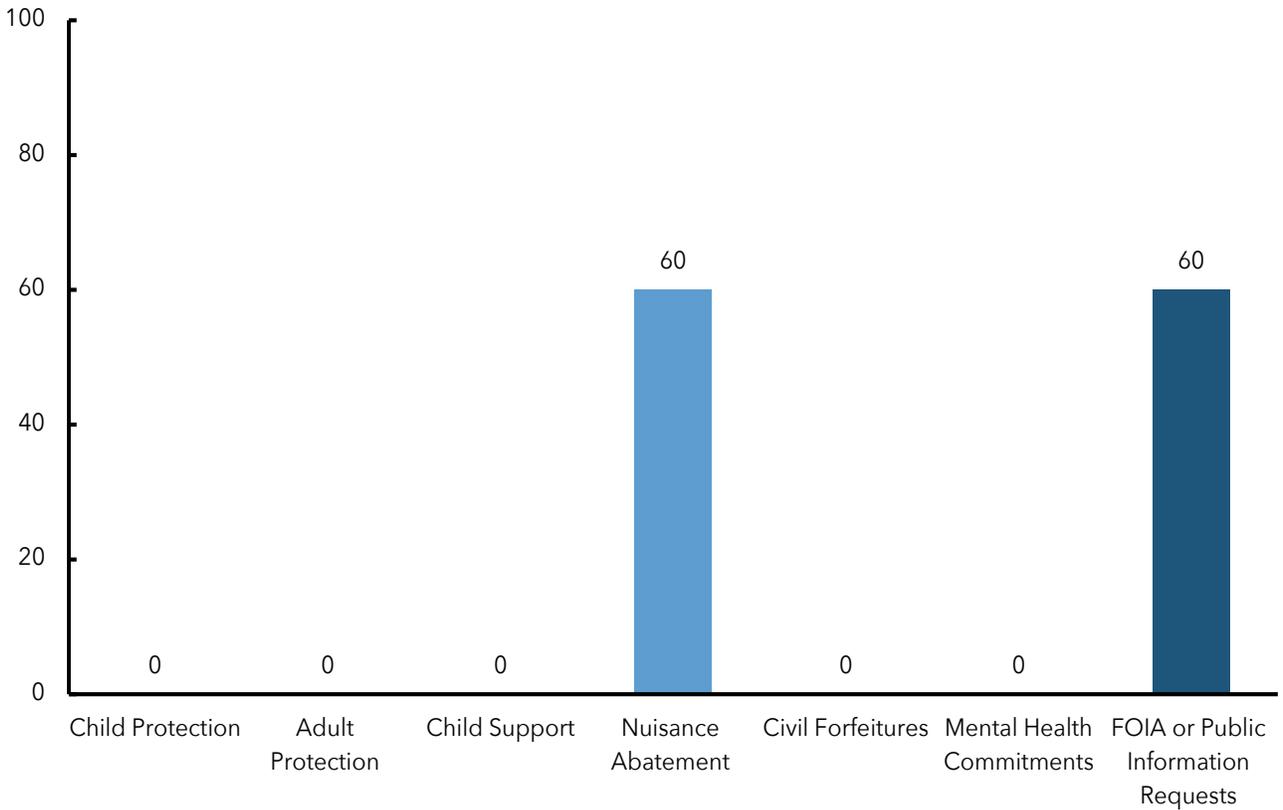


Figure 2B. Percentage of City Prosecutors' Offices with Jurisdiction over Civil Matters by Type (N = 5).

CHIEF PROSECUTOR

All of the 12 county offices reported that their Chief Prosecutor was elected and had an average tenure of 6 years. As seen in **Figure 3A**, 41% of county Chief Prosecutors had been in office for fewer than 5 years, 42% for 5 - 9 years, and 17% for 10 or more years. All of the 5 city offices reported that their Chief Prosecutor was appointed and had an average tenure of 13 years. As displayed in **Figure 3B**, 40% of city Chief Prosecutors had been in office less than 10 years and 60% had been in office 10 years or more.

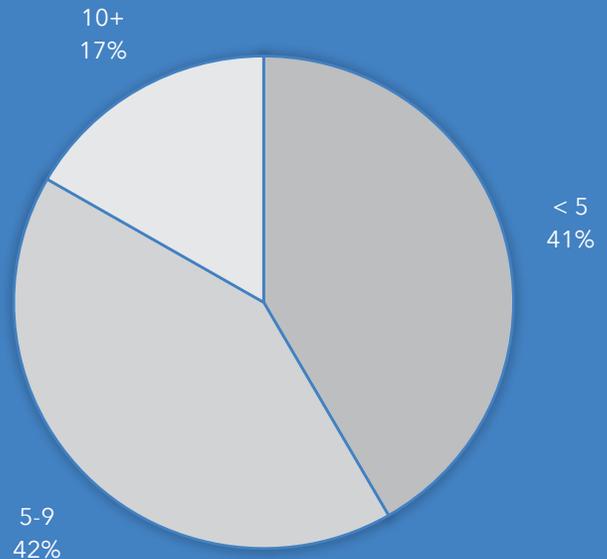


Figure 3A. County Chief Prosecutor Years in Office (N = 12).

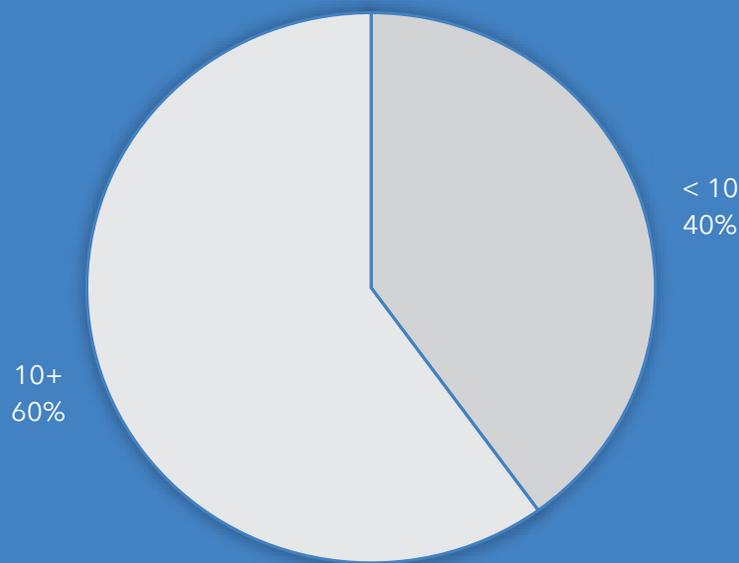


Figure 3B. City Chief Prosecutor Years in Office (N =5).

OFFICE BUDGET

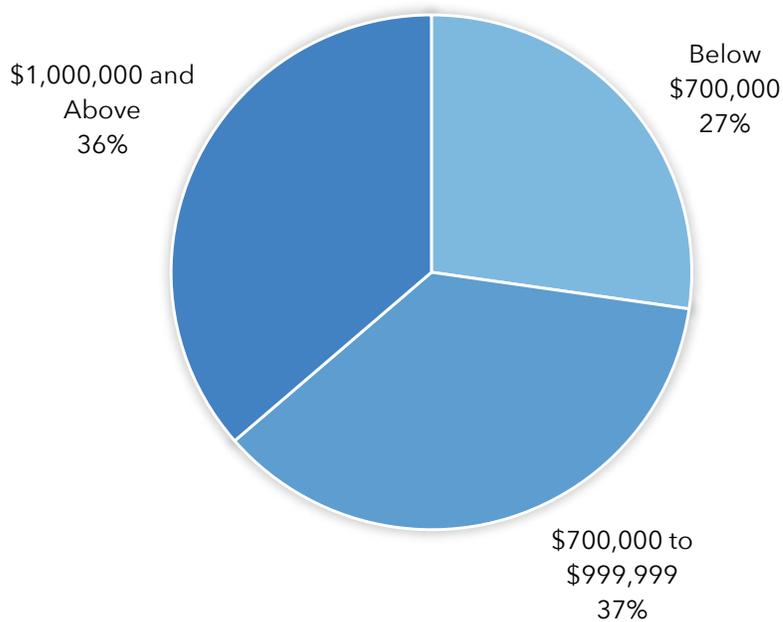


Figure 4. Ranges of 2018 Total Budgets (N = 10).

The 2018 average budget for county prosecutors’ offices was approximately \$1,728,541. **Figure 4** depicts that 27% of the offices had a budget under \$700,000, 37% had budgets between \$700,000 and about \$999,999, and 36% had budgets over \$1,000,000. The 2018 average budget for city prosecutors’ offices was approximately \$757,259.*

1 The Salt Lake county prosecutor’s office has been removed from all analyses that involve budgets or population as this office is a very large outlier and highly skews averages based on these variables. Further since only 5 city offices responded to the survey, frequencies involving budget and population information will be withheld. Where possible, averages of city prosecutors’ offices will be provided.

The average 2018 personnel budget for Utah county prosecutors' offices was \$1,341,206. **Figure 5** presents the ranges of personnel budgets. Approximately 33% of the offices had a personnel budget under \$500,000, 33% had budgets between \$500,000 and about \$999,999, and 33% had budgets over \$1,000,000. The average 2018 personnel budgets for city prosecutors' offices was \$524,752.

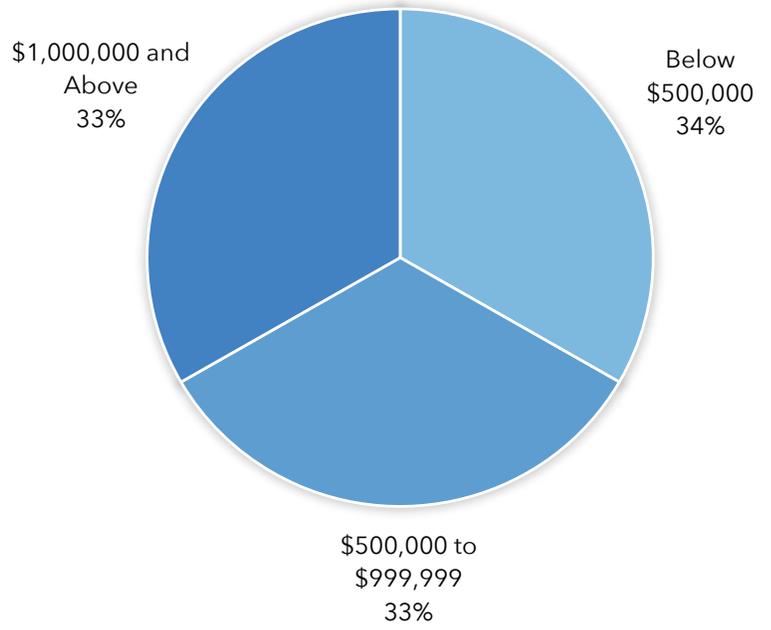


Figure 5. Ranges of 2018 County Personnel Budgets (N = 9).

The average percentage of personnel to total budget by budget category for county prosecutors' offices is displayed in **Figure 6**. The average percentage of personnel to total budget was similar across budget categories with agencies spending an average of 76% their total budgets on personnel costs. For city prosecutors' offices (N = 4), this average was 72% of budgets spent on personnel costs.

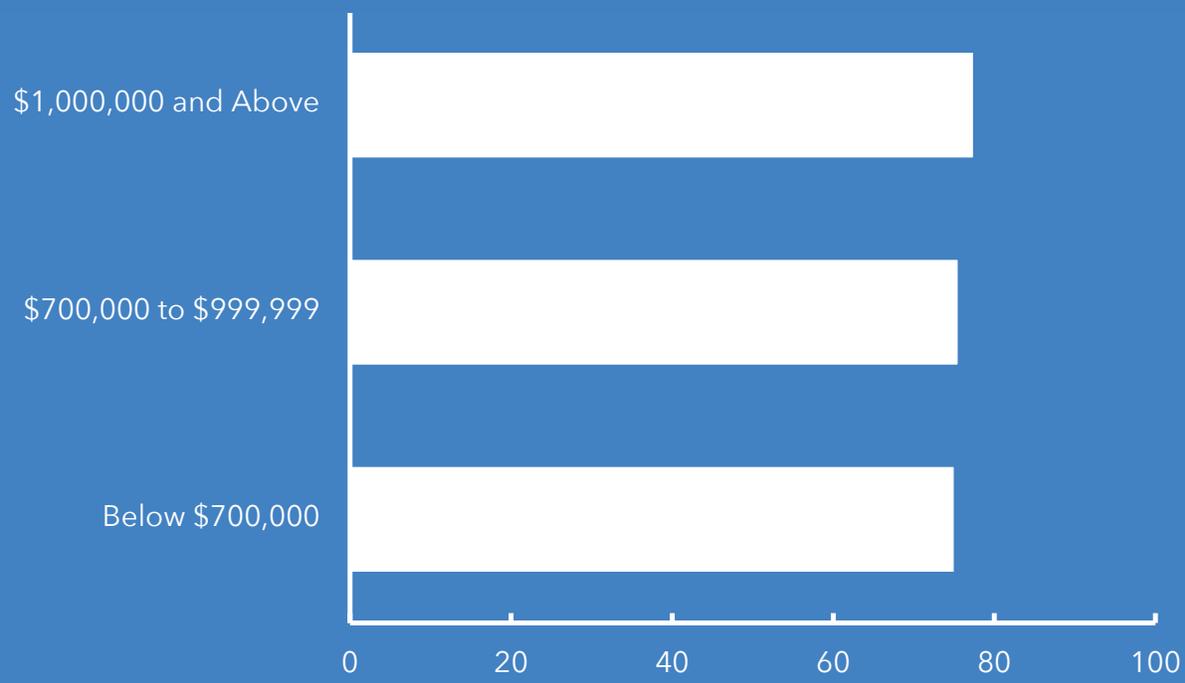


Figure 6. Average Percentage Personnel to Total Budget for Counties by Budget Category (N = 7).

STARTING SALARIES

The 2018 starting salaries of recently graduated law students hired as prosecutors (including city offices and the Salt Lake county office) Utah ranged from a minimum of \$47,840 to a maximum of \$71,000. The average of the 12 responding offices was \$60,159.

CASE PROCESSING

In 2018, county offices surveyed reviewed on average 620 felony cases, resulting in 470 cases charged, 384 cases with at least one conviction, and 44 cases diverted. Further, on average, county offices reported reviewing 549 misdemeanor cases, resulting in 477 cases charged, 399 cases with at least one conviction, and 42 cases diverted. Finally, on average, the offices also reviewed 296 juvenile cases, resulting in 243 cases charged, 66 cases with at least one conviction, and 118 cases diverted. Over the same period, city offices reviewed on average 3,407 misdemeanor cases with 2,578 charged and 1,067 diverted. *

2 Conviction information was inconsistent for city offices and is omitted from this report.

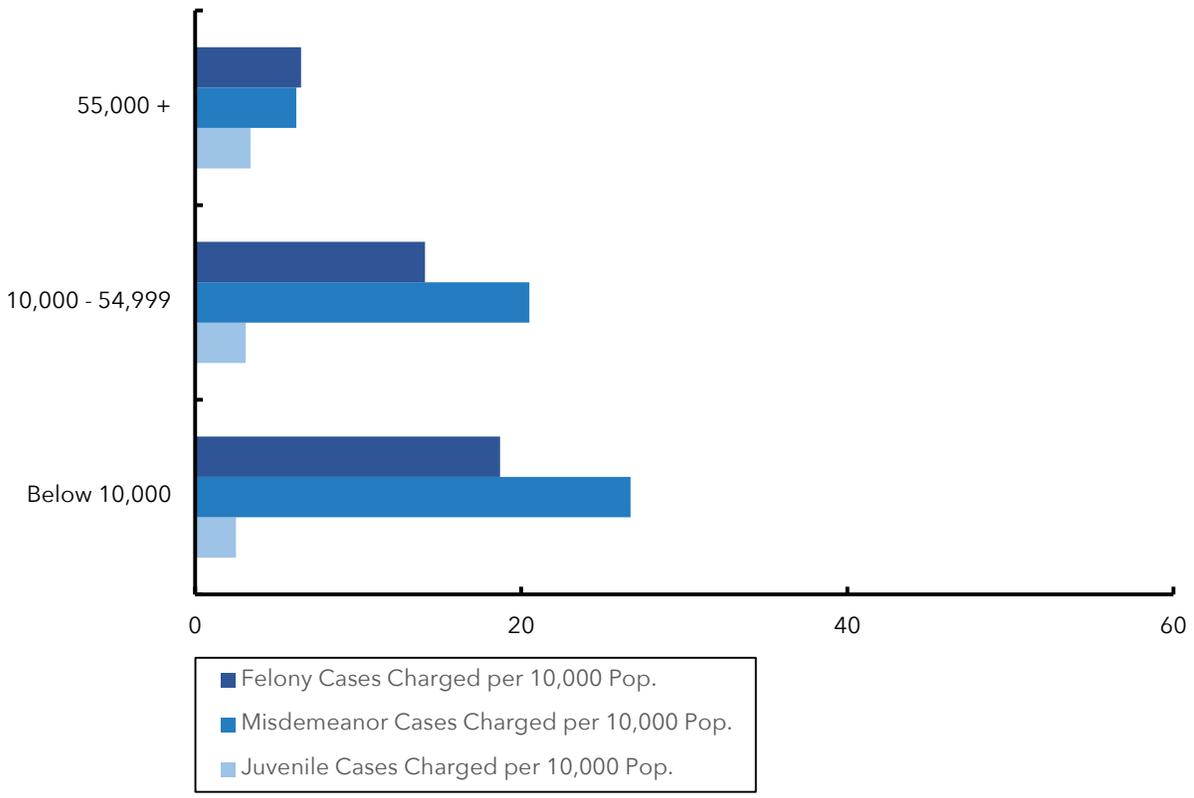


Figure 7. Cases Charged per 10,000 Population by Population Category (N = 12).

Figure 7 depicts the number of felonies, misdemeanors, and juvenile cases charged by county prosecutors' offices by county population category. The small offices (less than 10,000 residents) charged the largest number of felony and misdemeanor cases per 10,000 residents, while the largest offices (55,000+ residents) charged the fewest per 10,000 residents. The number of juveniles charged per 10,000 was similar across all three categories. City prosecutors' offices charged approximately 38.1 misdemeanors per 10,000 residents.

Figure 8 presents the average number of reviewed cases per full-time attorney for county prosecutors' offices for felonies, misdemeanors, and both felonies and misdemeanors combined. While these data are limited, the estimated workloads can provide a useful benchmark for agencies. Across reporting offices, there was an average of 93 reviewed felony cases per full-time attorney and 115 reviewed misdemeanor cases per full-time attorney. Overall, this resulted in an average of 208 reviewed misdemeanor and felony cases per full-time attorney.

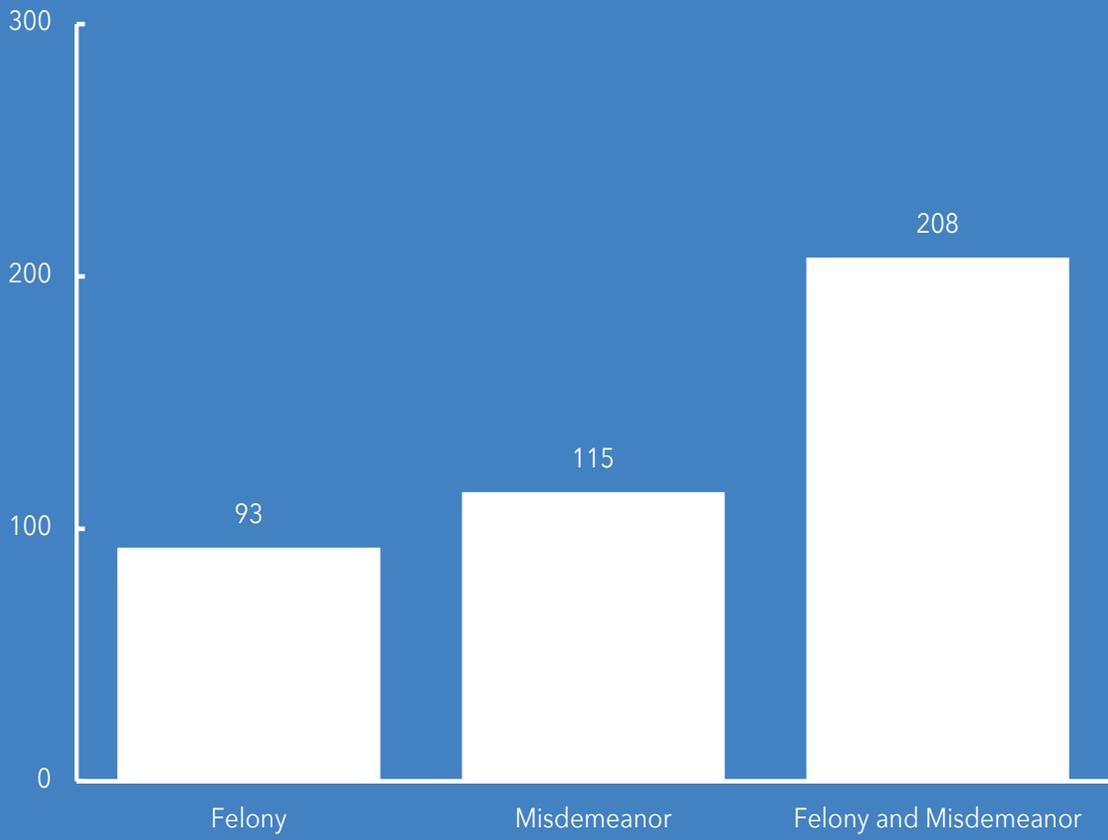
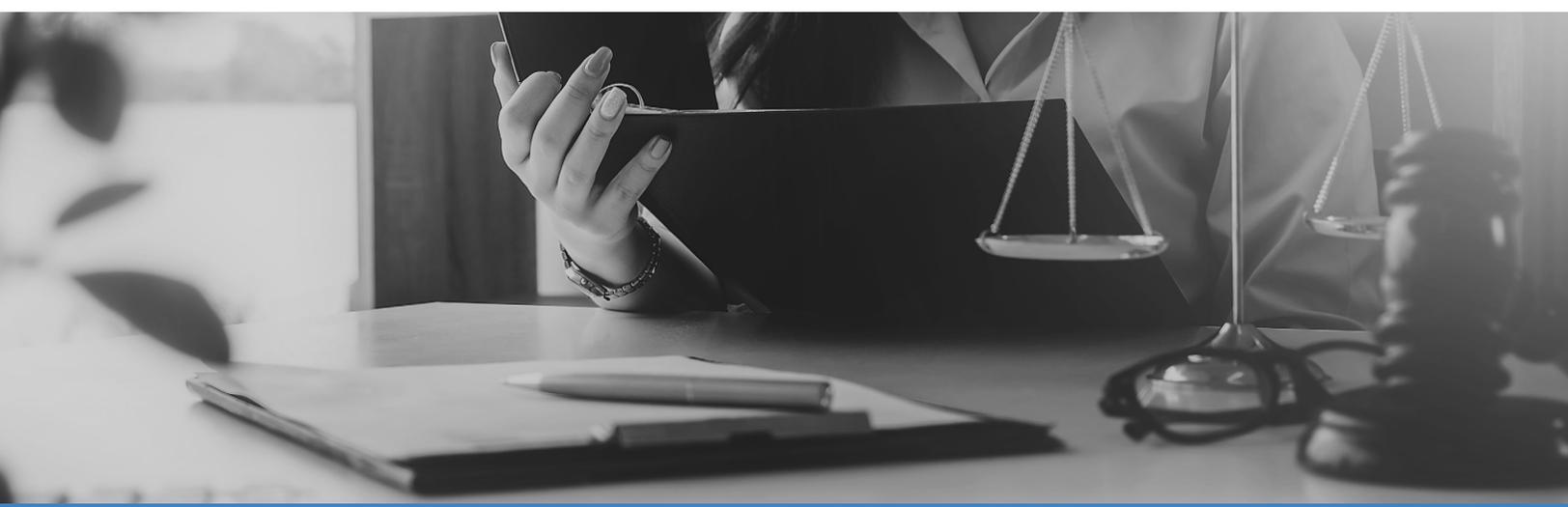


Figure 8. Average Number of Cases for County Offices per Full-Time Attorney by Type of Case (N =7).



NUMBER OF EMPLOYEES

On average, county prosecutors' offices in Utah reported employing 7.5 full-time and 0.5 part-time attorneys. These offices also reported employing 6.1 full-time and 0.9 part-time non-attorneys. City prosecutors' offices reported employing 3.4 full-time and 0.6 part-time attorneys. City offices further reported employing 2.2 full-time and 0.4 part-time non-attorneys.

Figure 9 presents the number of full-time employees per 10,000 population by population category. Offices covering fewer than 10,000 residents had the lowest number of full-time employees, full-time attorneys, and full-time non-attorneys per 10,000 residents. City prosecutors' offices reported approximately 0.06 full-time attorneys, 0.03 full-time non-attorneys, and 0.09 total full-time employees per 10,000 residents.

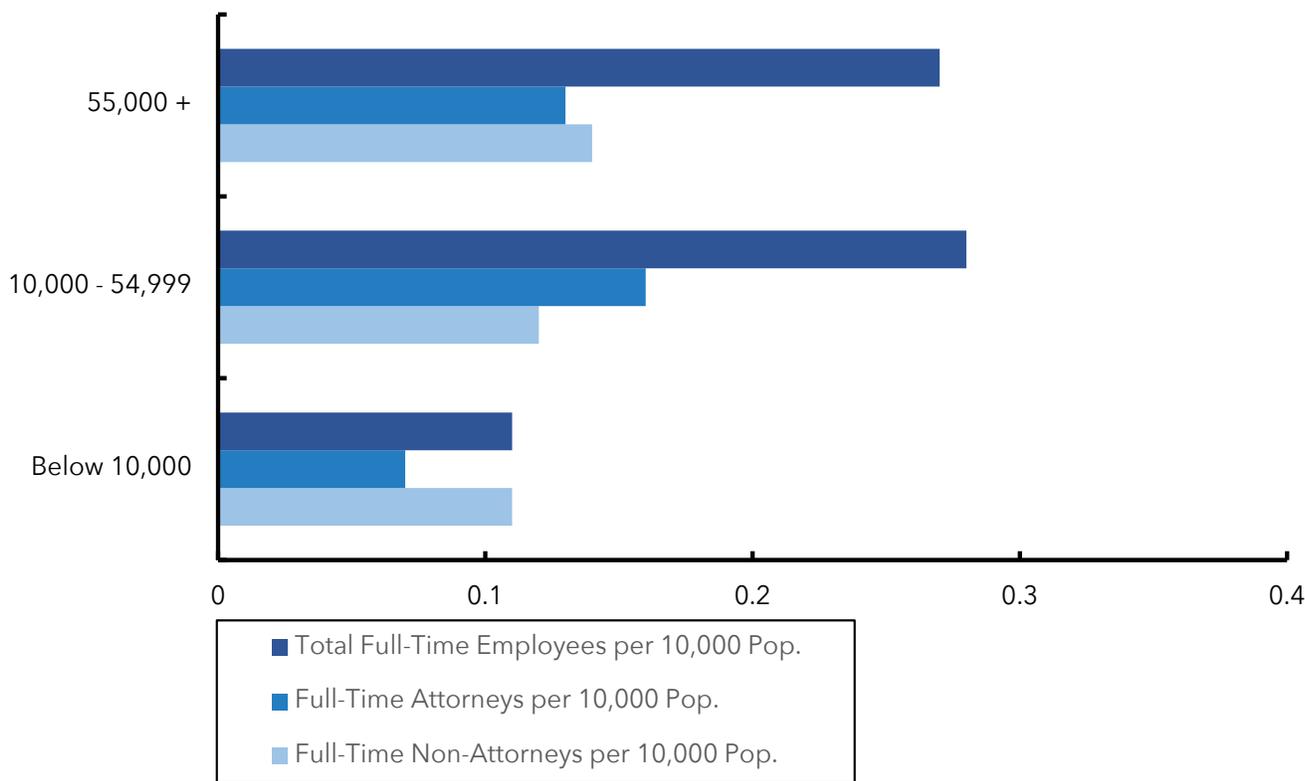


Figure 9. Full-Time County Office Employees per 10,000 Population by Population Category (N = 11).

A different strategy for examining staffing information is to consider the ratio of staff to a measure of workload. **Figure 10** presents the average number of full-time employees per 1,000 felony and misdemeanor cases reviewed. Counties covering fewer than 10,000 residents had the most full-time employees and full-time non-attorneys per 1,000 cases.

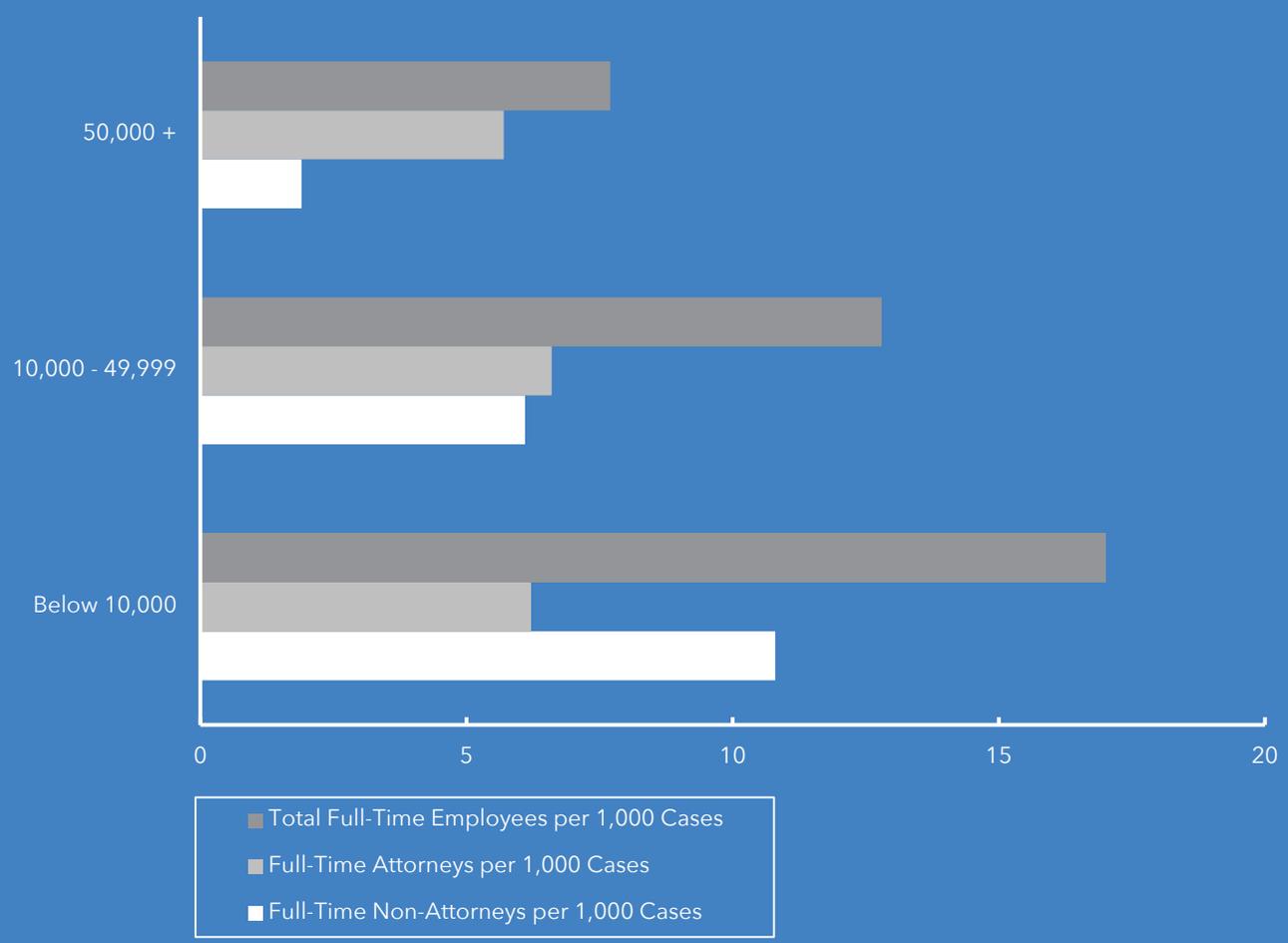


Figure 10. Average Number of Employees per 1,000 Felony and Misdemeanor Cases for County Offices by Population Category (N = 7).



PROSECUTOR INITIATIVES

Across all types of offices responding to the survey, a total of 71% of responding offices reported engaging in problem solving courts or other programs that offered alternatives to incarceration in 2018. Several offices reported that offenders with low-level felonies (41%), non-violent felonies (41%), and misdemeanors (59%) were eligible for participation in these programs. Very few offices reported that offenders with violent felonies (29%) were eligible for participation in these programs.

SPECIALTY COURTS

We asked respondents about nine different types of specialty courts: Drug courts, Veterans' courts, Mental Health courts, Human Trafficking courts, Homeless courts, Alcohol/Driving Sobriety courts, Domestic Violence courts, Community courts, and Re-entry courts. **Figure 11** provides the frequency of counties with each type of specialty court in 2018. While the majority of offices reported participating in Drug courts (76%), few respondents reported participating in Mental Health (29%), Veterans' (12%), Domestic Violence (6%), Alcohol/Driving Sobriety (6%), Homeless (6%), and Community (6%) courts. No offices reported participating in Re-entry or Human Trafficking courts.

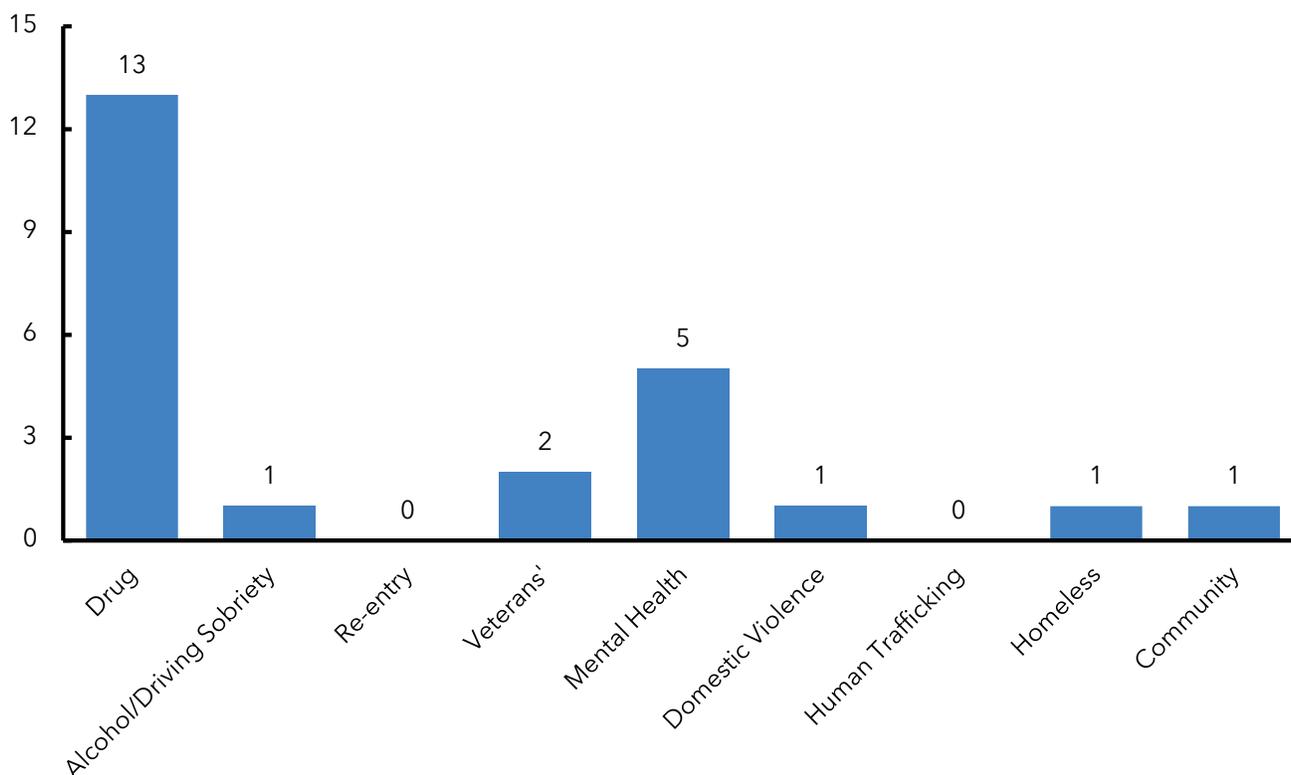


Figure 11. Number of Counties Reporting Specialty Courts by Type (N = 17).

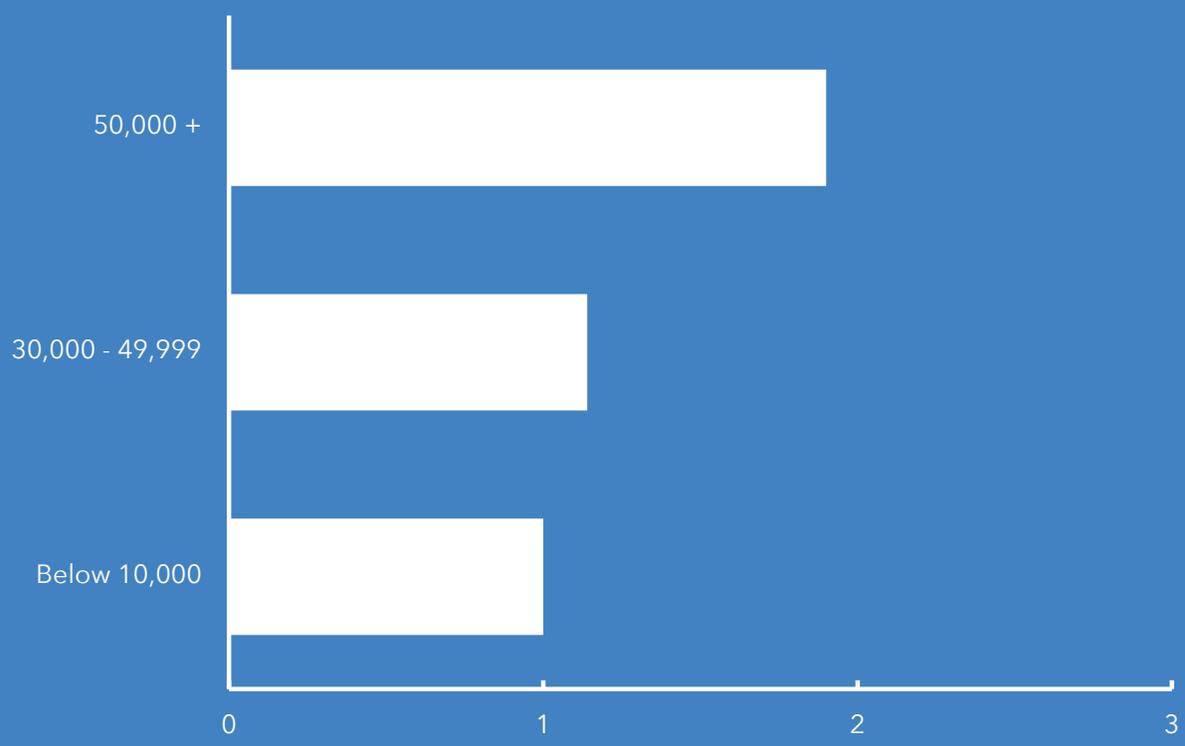
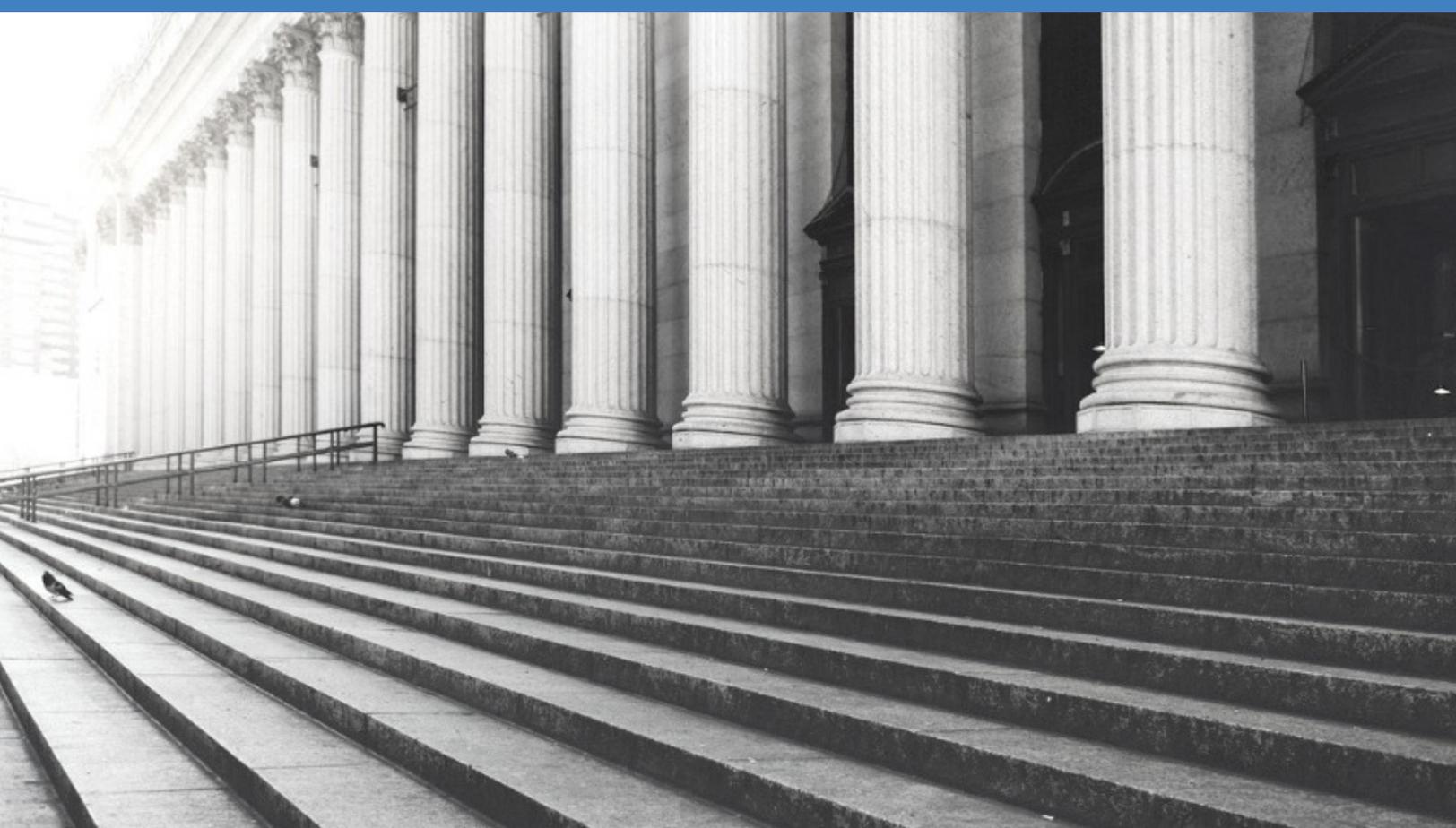


Figure 12. Average Number of Specialty Court Types by Population Category (N =17).

Figure 12 shows the number of specialty court types compared to the population category of the county. Counties with more than 100,000 residents had on average two specialty court types compared to about one types for the other population categories.





ALTERNATIVES TO INCARCERATION

We also asked whether the offices in each county offered alternatives to incarceration in 2018, as shown in **Figure 13**. Community service (65%), drug treatment (65%), and anger management (53%) were the most common offerings. Slightly less common were mental health services (47%) and training/education (29%) programs. No offices reported offering restorative justice or deflection programs.

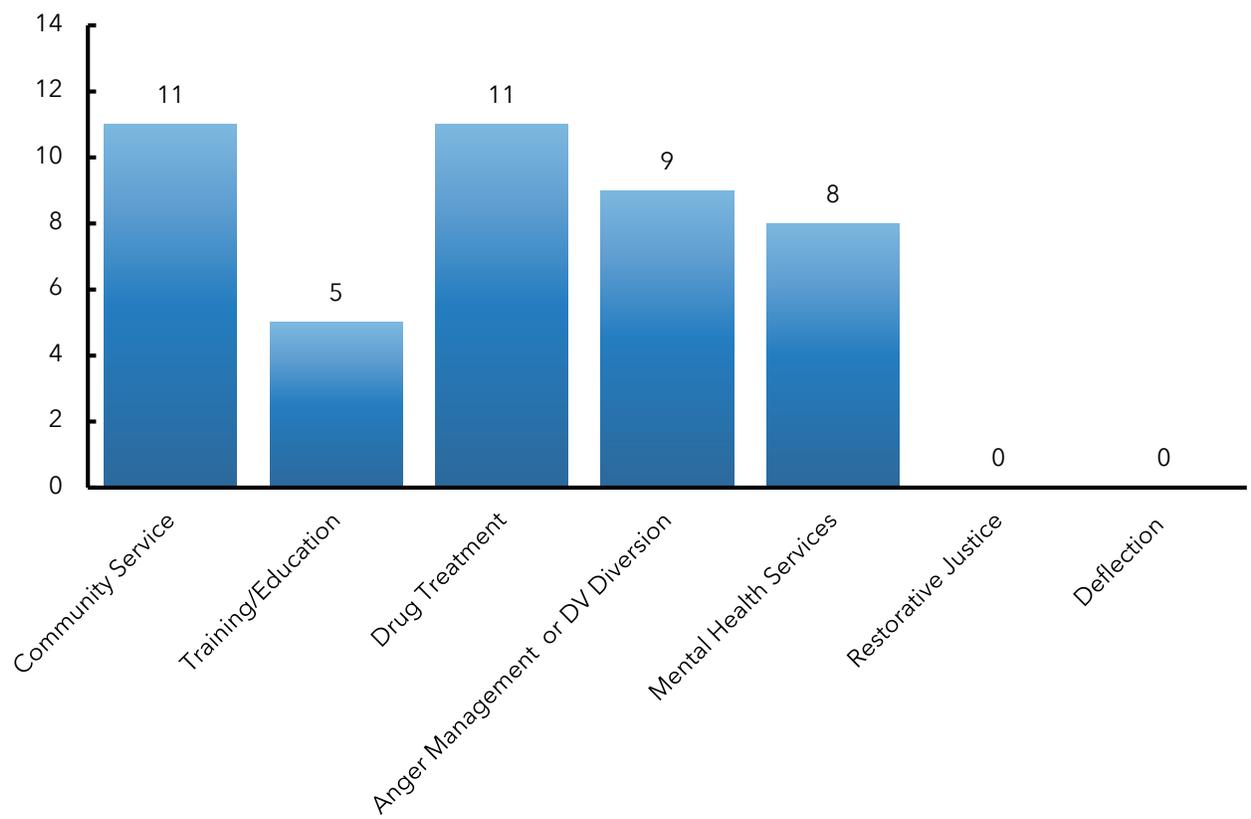


Figure 13. Number of Offices Reporting Alternatives to Incarceration by Type (N = 17).

SPECIALIZED PROGRAMS

Figure 14 presents the number of prosecutors' offices that reported operating specialized programs. The most common types of programs were Victim Assistance (82%), Victim Services without Arrest (71%), Restitution (59%), and Witness Assistance (53%). Slightly less common were Community Affairs Units (35%), Victim/Witness Relocation (35%), and Community Prosecutors (18%) programs. Crime Strategies Units and Conviction Review programs were offered in just one office (6%).

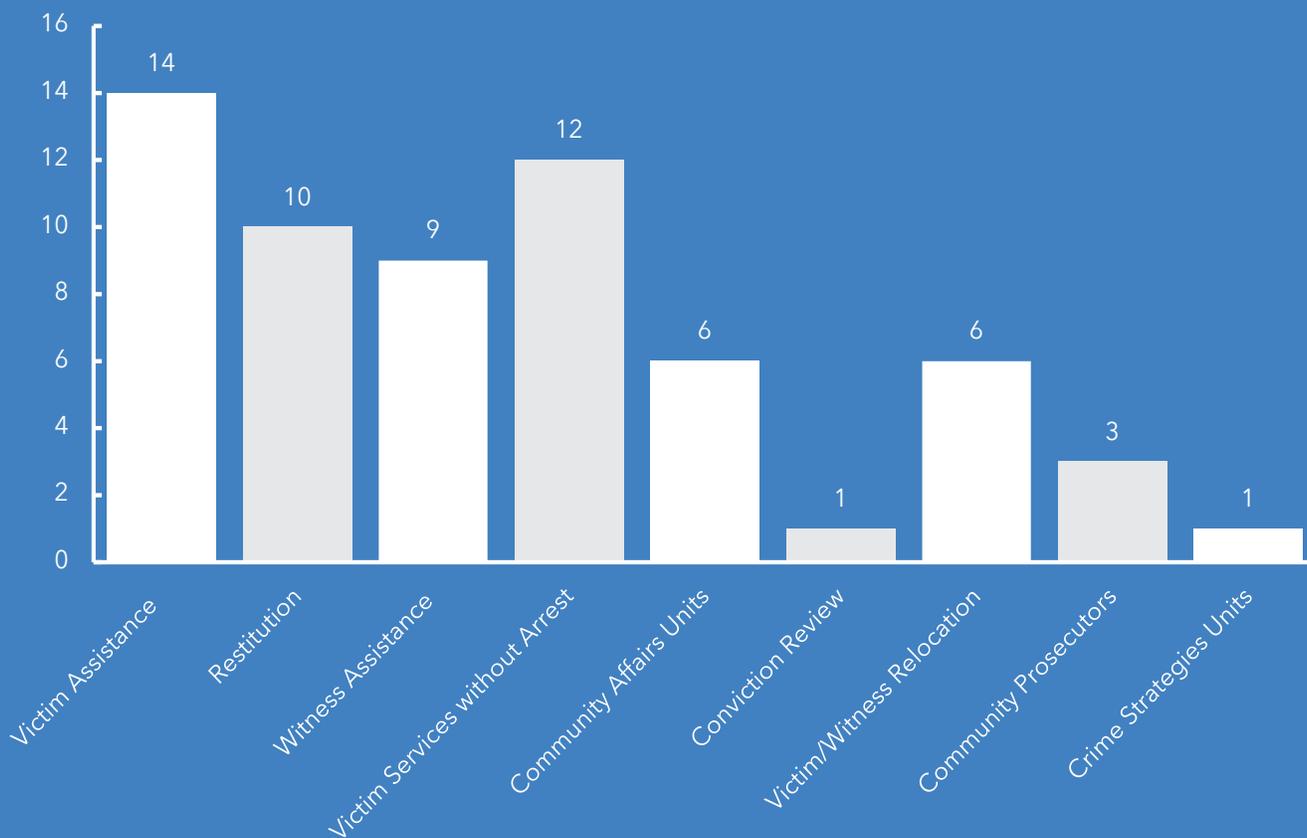


Figure 14. Offices Reporting Specialized Programs by Type (N = 17).





COMMUNITY PROGRAMS

Finally, we asked whether Utah prosecutors' offices ran or participated in several different community programs. These results are presented in **Figure 15**. Several offices reported participating in Co-located Child Abuse (59%) and Co-located Domestic Violence (41%) programs. Fewer offices reported participating in Community Engagement (35%), Youth Education (24%), Adult Education (24%), and Neighborhood Courts (24%). Very few offices reported participating in Truancy (18%), Violence Reduction (12%), Neighborhood Clean-up (12%), Sports (6%), Re-entry (6%), or Children of Inmates (6%) programs.

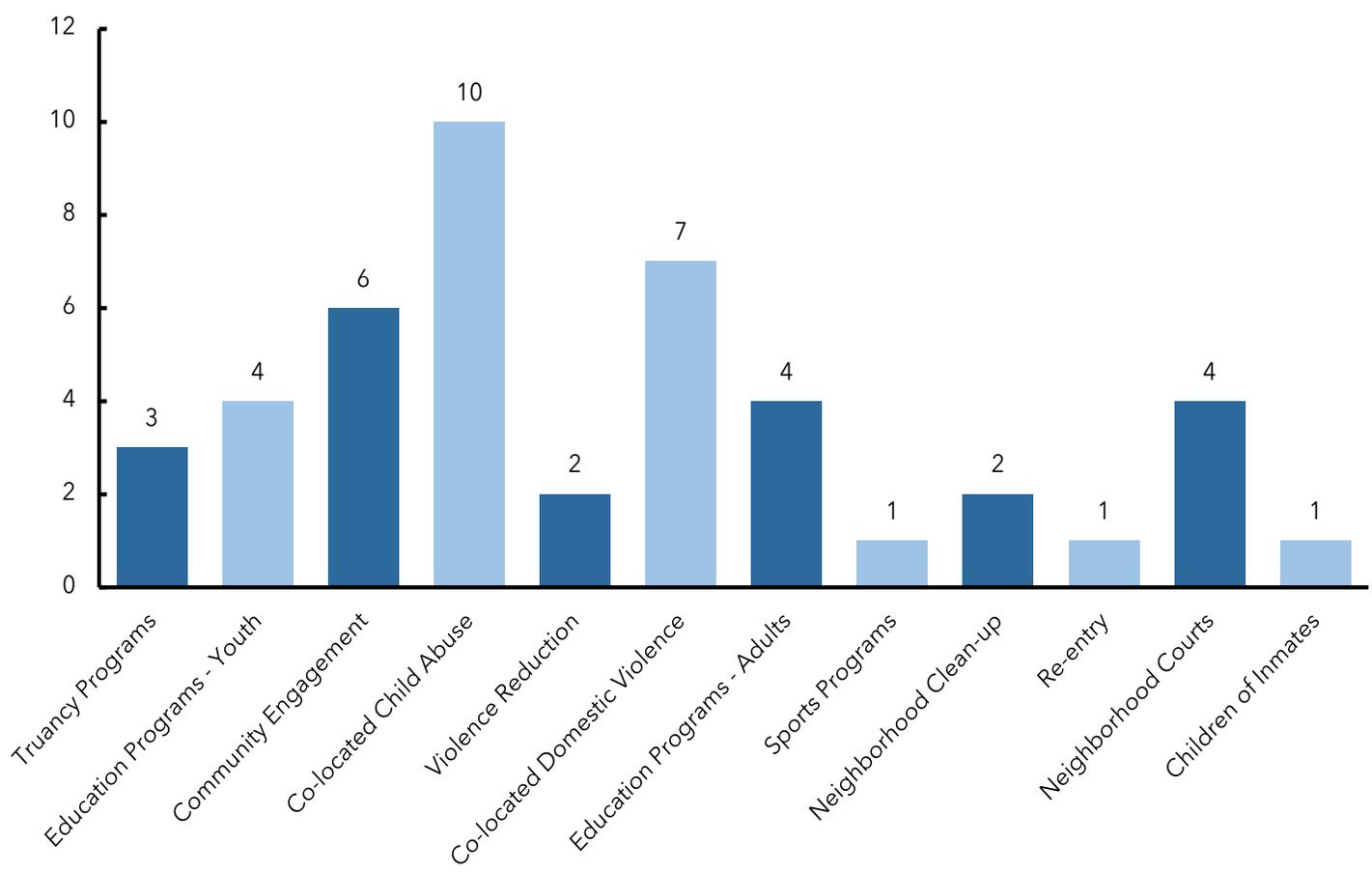


Figure 15. Participation in Community Programs by Type (N = 17).

TECHNOLOGY

In the following section, we asked respondents about the use of technology within their offices. Forty-seven percent (47%) of the offices responded that they have a technology unit responsible for the computers, data, software, and hardware functioning within their offices. Ninety-four percent (94%) reported using an electronic case management system, and 82% of the offices reported using electronic discovery. Seventy-six percent (76%) of responding offices reported using technology in their courtrooms, and 41% reported having staff to support them with the use of this technology.

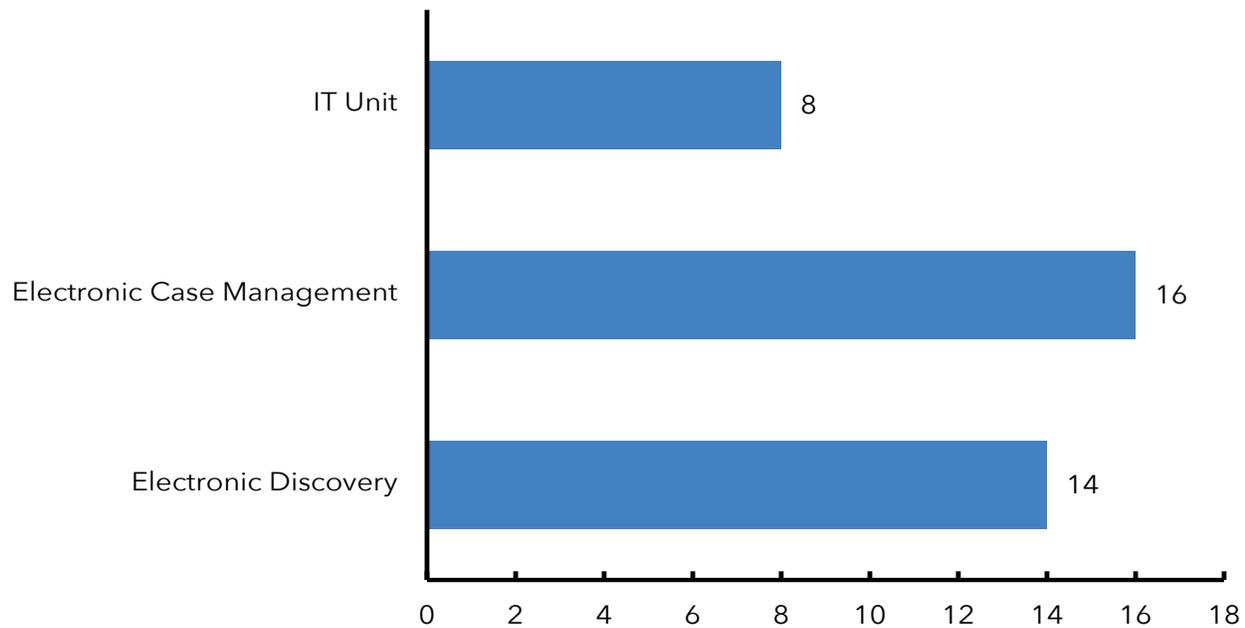


Figure 16. Technology Use within Prosecutors' Offices by Type (N = 17).



BODY-WORN CAMERAS

In addition, 88% of the respondents reported having at least one police agency within their jurisdiction that has implemented a body-worn camera (BWC) program. **Figure 17** presents the method of delivery for BWC video. Of the 14 offices receiving BWC video, one (7%) reported using solely cloud-based interfaces, five reported using DVDs (36%), and three reported using both cloud-based and DVD interfaces (21%). The remainder reported using a different method for delivering BWC footage. A total of 40% of those respondents reported needing additional staff to view and manage the evidence collected by BWCs.

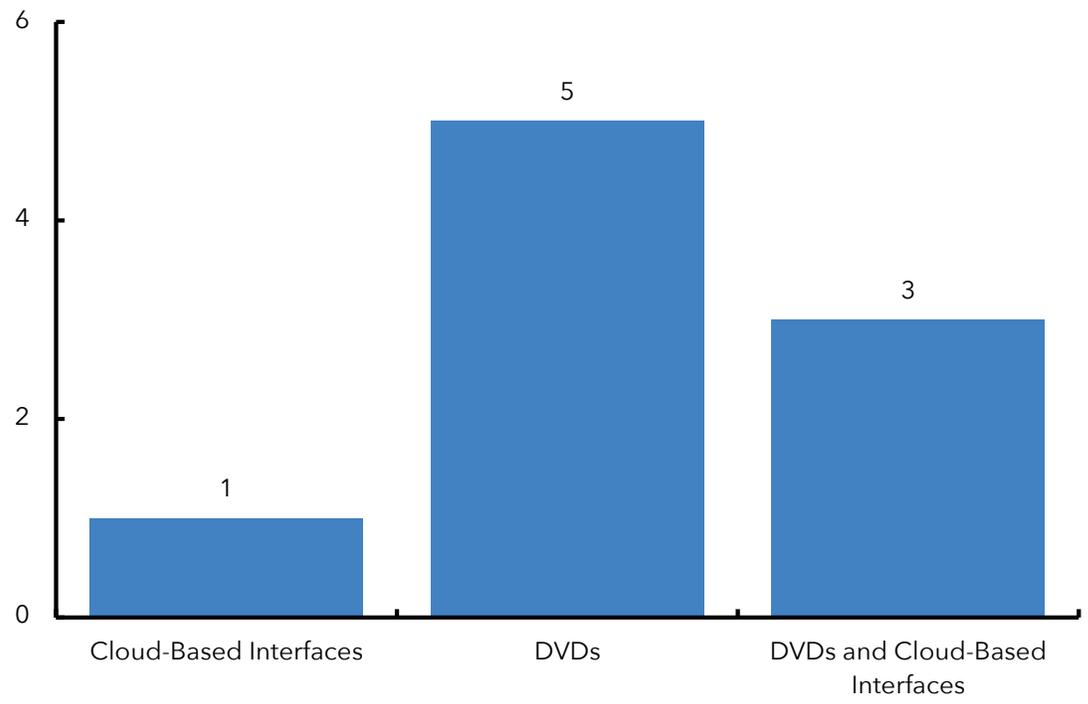


Figure 17. BWC Recordings Received by Prosecutors' Offices by Type (N = 14).

Figure 18 below shows the percentage of offices by jurisdiction size that reported needing additional staff to view and manage BWC footage. Half of responding offices in largest two population categories stated that they needed additional staff to review BWC footage. No offices with under 10,000 residents stated that they needed additional staff for reviewing BWC footage.

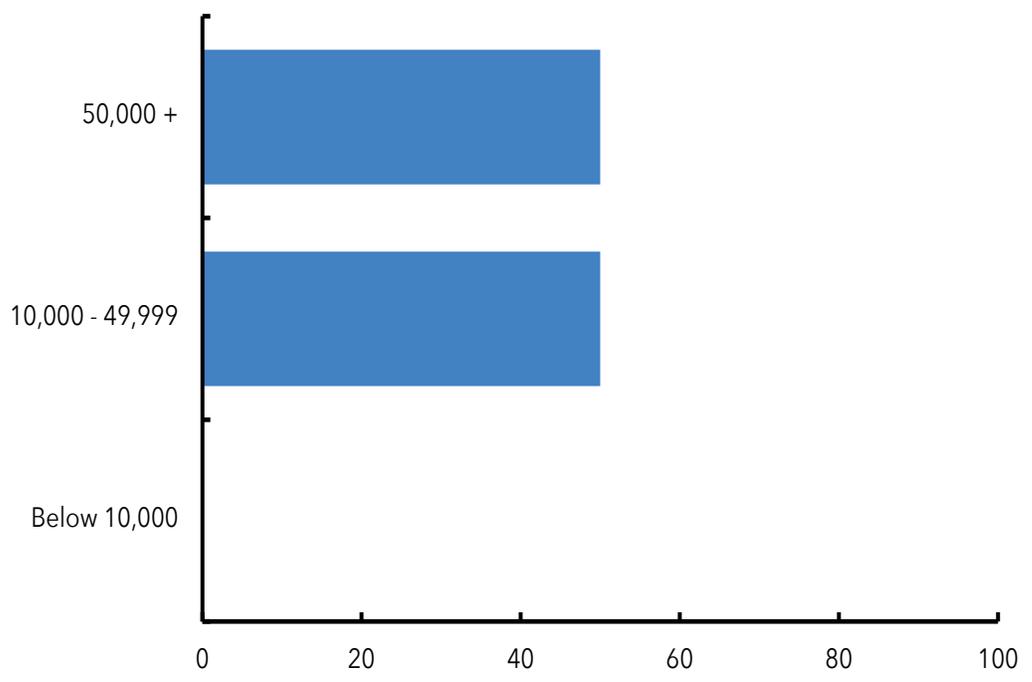


Figure 18. Need for Additional Resources to Review BWC Footage by Jurisdiction Size (N = 14).

WEBSITES

Asked what they share with the public online, 82% of survey respondents reported having office websites and 43% of these offices reported updating their websites routinely (monthly, quarterly, or annually).

RESEARCH

A minority of the responding offices reported engaging in research and analysis. Twelve percent (12%) of offices reported involvement in a research project in the last two years with a university, college, consultant, or independent research firm.

Thirty-five percent (35%) of offices reported analyzing crime data, caseloads, or other types of information routinely on a monthly, quarterly, or annual basis. Twelve percent (12%) of offices reported providing an annual report to the public on the work of the office.

Approximately 65% of the responding offices had participated in major U.S. Department of Justice grant-based programs. Of those offices, 55% had participated in Violence Against Women Act programs. Forty-five percent (45%) reported participating in Federal Victims of Crimes Act programs, and 9% reported participating in Project Safe Neighborhoods programs. No offices had participated in a Smart Prosecution Initiative or a Violence Reduction Network program.



CONCLUSIONS

The statewide survey administered by JSS and PCE provides many insights into the day-to-day functioning of Utah prosecutors' offices. From the wide range of submissions from Utah counties thus far, there are a number of trends emerging.

From the survey, we can determine that the all responding Utah prosecutors' county offices handle felonies, misdemeanors, juvenile cases, and infractions. Additionally, the majority of Utah's county prosecutors' offices handle civil matters. All city prosecutors' offices handle misdemeanor and infraction cases, and most handle some civil matters.

All of the responding county prosecutors' offices have elected Chief Prosecutors serving an average of 6 years. The five city offices have appointed Chief Prosecutors serving an average of 13 years. Thirty-six percent (36%) of the offices have budgets over \$1 million. The number of full-time employees per 10,000 population is lowest for the smallest counties.

The per capita rates of felony, misdemeanor, and juvenile cases reviewed is highest for counties in the smallest population category (Below 10,000 residents). Additionally, the smallest offices had the lowest number of total full-time employees, attorneys, and non-attorneys per 10,000 residents.

Nearly all offices offered specialty or problem-solving courts and that some courts were significantly more common than others. While

a majority of offices reported offering Drug courts, fewer offices reported offering Veterans', Domestic Violence, and Community courts. No offices reported Re-entry or Human Trafficking courts.

Most offices reported running specialized programs. The most common specialized programs offered fell under the headings of Victim Assistance and Witness Assistance programs. On the other hand, only a few offices offered Community Affairs Units, Victim/Witness Relocation, and Crime Strategies Units.

The majority of respondents reported providing specific community programs to the areas they serve. The most common offerings were Co-located Child Abuse and Co-located Domestic Violence.

This research has provided insight into the basic needs of prosecutors' offices. Further research based on these findings should focus on prosecutors' caseloads. Specifically, researchers should continue to investigate ideal caseloads for prosecutors and evaluate proper resource management.

All in all, the Utah offices that completed the statewide prosecutor survey have provided vital data that have increased the knowledge base on the functioning of Utah prosecutors' offices as well as on the role of Utah prosecutors.