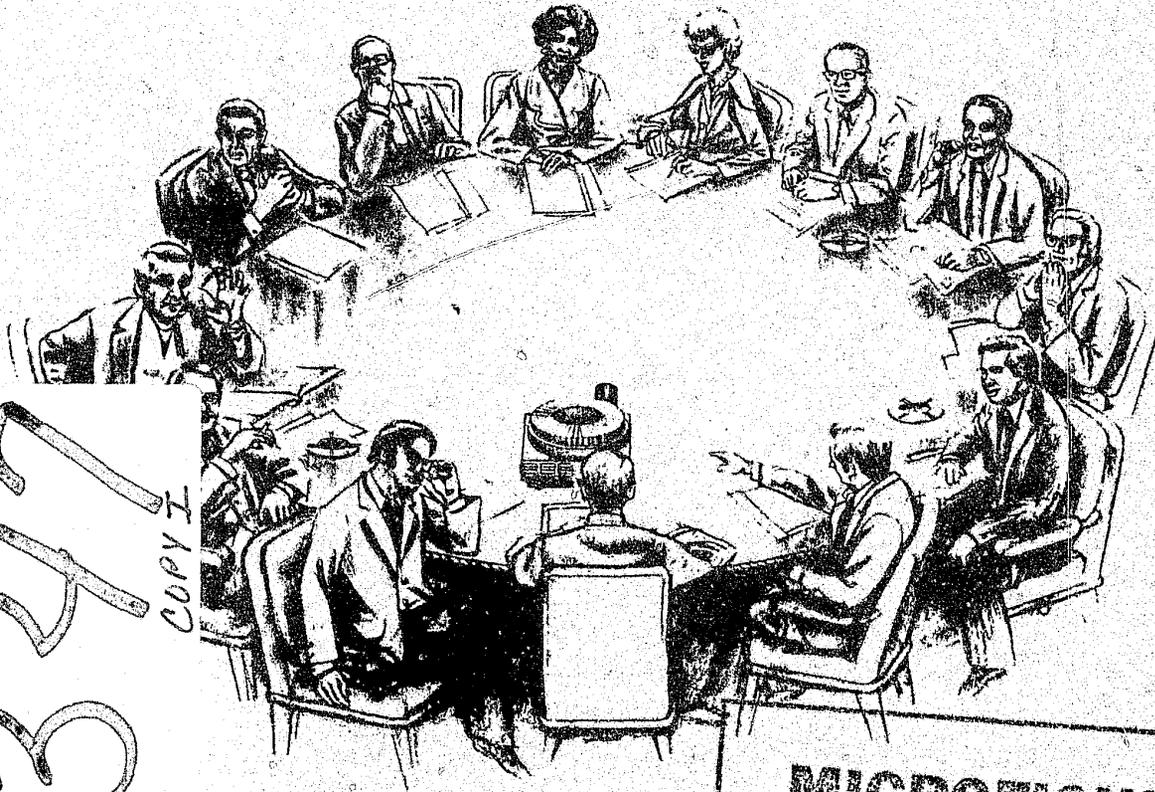


**CRIMINAL JUSTICE
STANDARDS AND GOALS
FOR UTAH:
A CASE STUDY**



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U. S. Department of Justice
Law Enforcement Assistance Administration
Office of National Priority Programs

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FOR UTAH:
A CASE STUDY**

NCJRS

OCT 4 1977

ACQUISITIONS

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**U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
OFFICE OF NATIONAL PRIORITY PROGRAMS**

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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

RICHARD W. VELDE
Administrator

CHARLES R. WORK
Deputy Administrator



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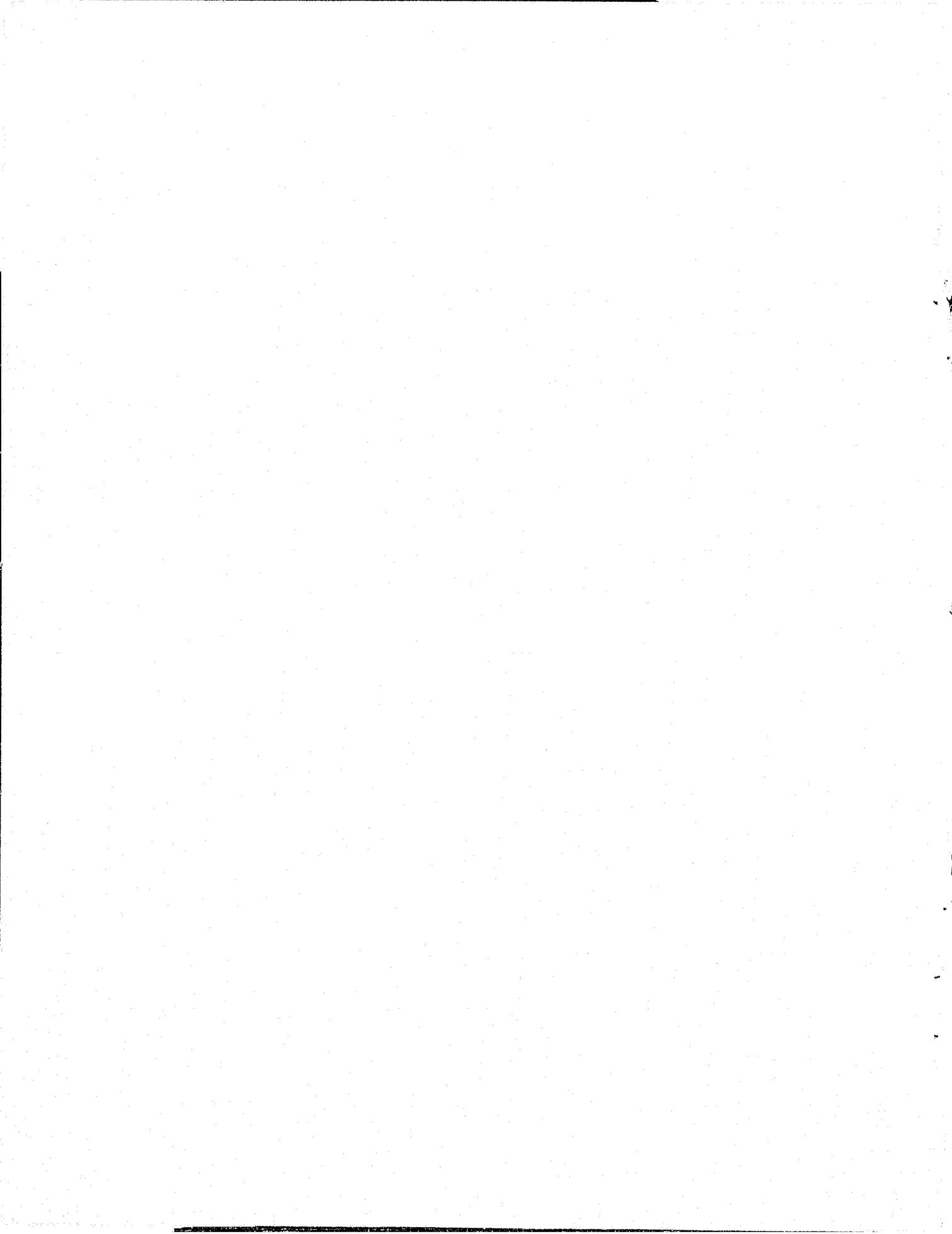
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I INTRODUCTION

Utah was one of five states selected by the Law Enforcement Assistance Administration (LEAA) for an in-depth case study on criminal justice standards and goals. The purpose of this document is to explain, rather than to evaluate, the approach used by Utah in developing such standards and goals and the successes and problems encountered. Because Utah is farther along in the development process than are most other states, its experience can be of assistance to those states that are just beginning to develop their own criminal justice standards and goals.

The information in this case study was gathered chiefly through interviews (see Appendix A) and through documents provided by the State of Utah.

The case study first provides background information on Utah, i.e., population and crime characteristics, criminal justice system, and criminal justice planning processes. The study then delves more deeply into Utah's methods for development of standards and goals and plans for implementation. Also included is an assessment by participants of the major strengths and weaknesses of the process.

II BACKGROUND INFORMATION ON UTAH

A. Demography

According to the U.S. Bureau of the Census, the 1973 population of Utah was 1,157,000, ranking the state 37th in the nation. Between 1960 and 1970, the population increased 18.9 percent. Of the total population, 80.4 percent is urban and 19.6 percent is rural.

Eighty percent of Utah's population is located in its three Standard Metropolitan Statistical Areas (SMSAs)--Salt Lake City, Provo-Orem, and Ogden. Their combined area is less than five percent of the state's 82,000 square miles. Most of Utah's industrial capacity, important air and surface transportation routes, distribution and service centers, and growing ski resort and other recreational businesses are centered in this area. Outside this area, there are no cities with populations over 25,000.

With a 1970 per capita income of \$3,210, Utah ranked 38th among the states; it ranked 46th in the number of persons with incomes under the poverty level.

More than 70 percent of the residents are members of the Church of Jesus Christ of the Latter Day Saints, which exerts strong influence in Utah. For example, the state rarely sends a non-Mormon to Congress.

B. Reported Crime Rates

Like the nation, Utah experienced a large increase in crime in the 1960s. Utah's Part I^{*} crime rate per 100,000 population is similar to

* Part I crimes are homicide, rape, robbery, and felony assault (violent crimes); and burglary, auto theft, and larceny (property crimes).

that of the United States as a whole (see Figure 1). However, the rate of violent crime is substantially lower, and the rate of property crime is somewhat higher.

Utah's three SMSAs account for 90 percent of the state's serious crime. In 1973, grand larceny and burglary together accounted for 87 percent of the property crimes and approximately 80 percent of all serious crimes (see Table 1).

Table 2 presents some comparative data regarding the distribution of crime among SMSAs, other cities, and rural areas. The table also presents data comparing crime rates in Utah with those of the nation at large and with those of other states. In the Mountain Region, Arizona, Colorado, New Mexico, and Nevada had higher 1973 crime rates than Utah; Idaho, Montana, and Wyoming had lower rates than Utah.

C. An Overview of the Criminal Justice System

1. Law Enforcement

Utah has 168 state, county, and local police agencies, which include 130 municipal departments, 29 sheriffs' departments, four state law enforcement agencies, and five university departments. Excluding Division of Wildlife Resources personnel with police powers and federal and Indian police, Utah has 1,902 law enforcement personnel.

2. Courts

Utah law has established six courts of justice: the Senate sitting as a Court of Impeachment, the Utah Supreme Court, district courts, juvenile courts, city courts, and justice courts.

Utah's court system is administered by the Judicial Council. Members include a Supreme Court judge, three district court judges, one

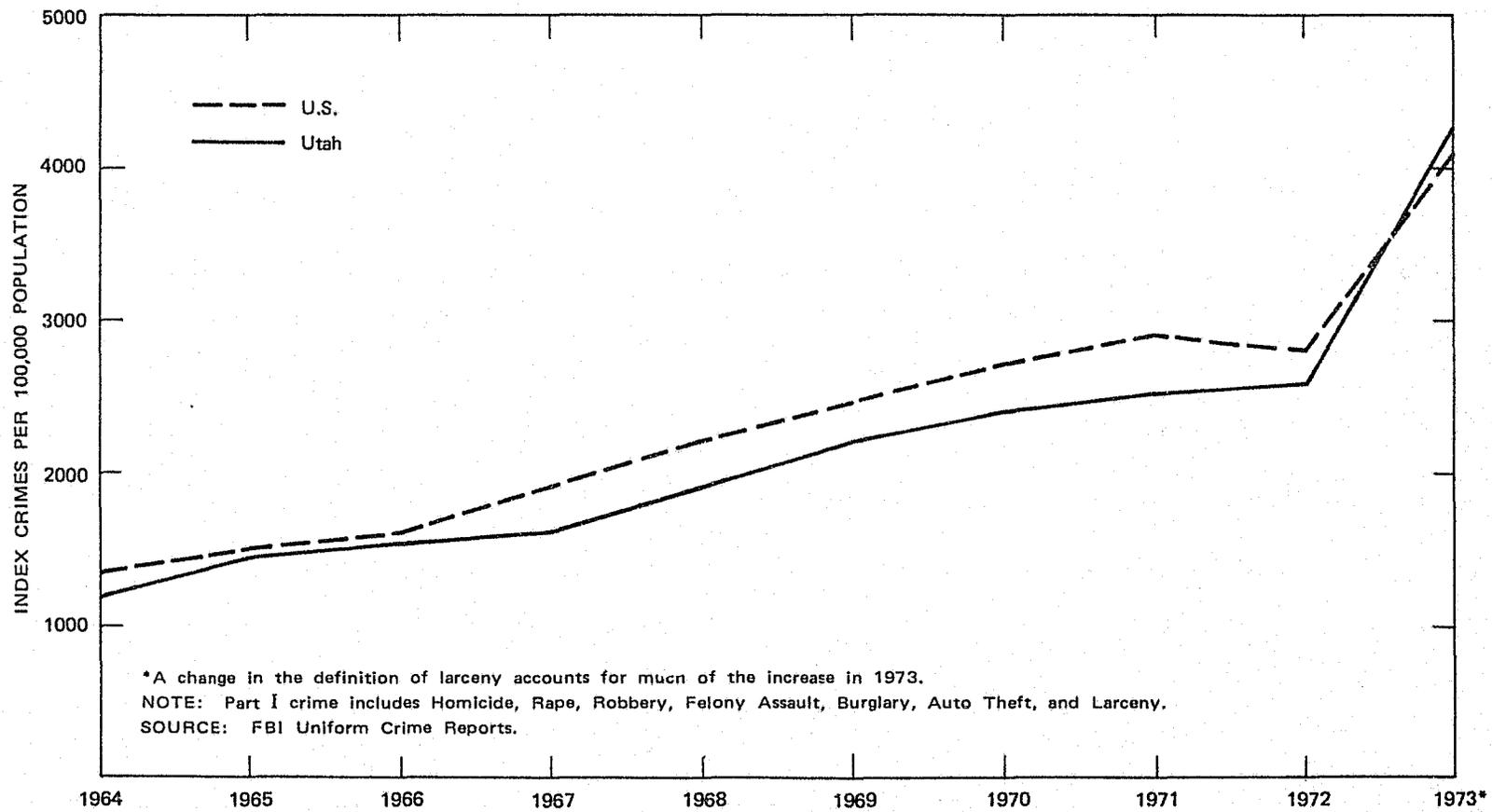


FIGURE 1 UTAH PART I CRIME RATE COMPARED WITH THAT OF THE NATION (PER 100,000 POPULATION)

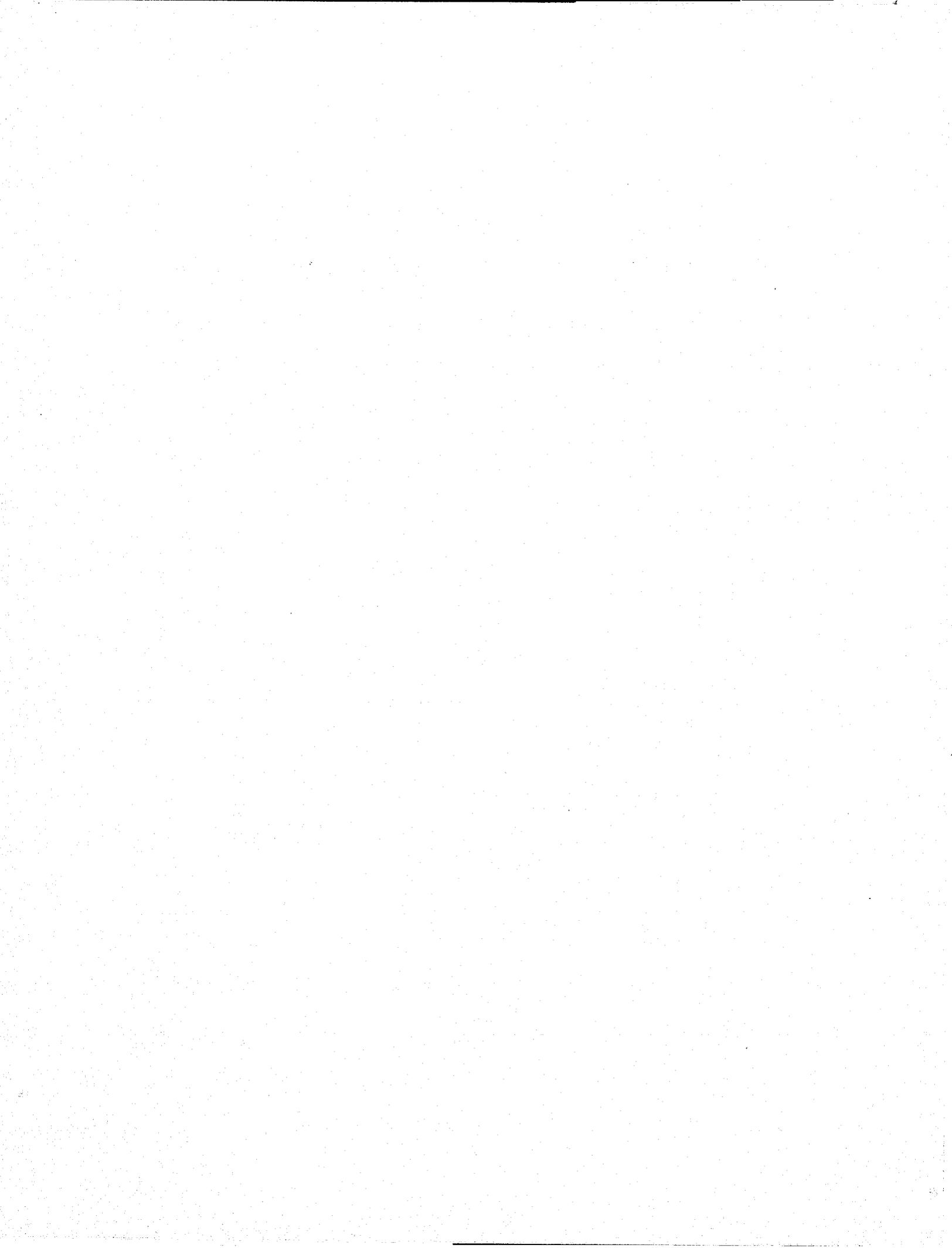


Table 1

UTAH SMSA PART I CRIMINAL OFFENSES: 1970-1973

	1970	1971	1972	1973	Percent Change Overall
SMSA Population	821,689	853,000	871,000	886,700*	8
Murder	29	29	30	31	7
Forcible rape	106	143	185	229	116
Robbery	544	651	684	700	29
Aggravated assault	672	684	971	1,197	78
Subtotal of violent crimes	1,351	1,507	1,870	2,157	60
Burglary	8,670	8,815	8,923	10,081	16
Grand larceny	9,577	11,290	12,033	12,093†	26
Auto theft	3,180	3,460	2,936	3,265	3
Subtotal of property crime	21,427	23,565	23,892	25,439	19
Total Part I in SMSAs	22,778	25,072	25,762	27,596	21
Total Part I for Utah	25,134	27,793	28,617	30,553	22

* In 1973, the FBI's Uniform Crime Report (UCR) included Tooele County in the Salt Lake SMSA for the first time. In this tabulation Tooele's population is not included, and calculated allowances for this county's crime have been subtracted from the published UCR values on the basis of Utah's statewide crime rates.

† This figure is calculated from data in the 1973 UCR to allow comparison with prior years. In 1973 the incidence of petty larceny was reported with grand larceny in the new category, larceny-theft. In Utah's SMSAs, the number for larceny-theft was 28,403; as in the nation at large, this caused an apparently large increase in the crime index. The figure 12,093 was calculated on the basis of the average "less than 1 percent" increase in larceny-theft for Western States from 1972 to 1973 (pages 22 and 54, 1973 UCR); an increase of 0.5 percent was used in the calculation.

Table 2

1973 CRIME RATES

Location	Population	Crime Rates per 100,000 Population		
		Crime Index	Violent Crimes	Property Crimes
Utah	1,157,000	4247.1	208.5	4038.6
United States	209,851,000	4116.4	414.3	3702.1
Utah, SMSAs	915,000	4858.5	238.8	4619.7
United States, SMSAs	152,853,000	4823.0	502.9	4320.0
Utah, other cities	86,000	2403.5	94.2	2309.3
United States, other cities	22,774,000	3348.7	220.7	3128.0
Utah, rural	156,000	1677.6	93.6	1584.0
United States, rural	34,225,000	1471.8	147.4	1324.4
Mountain Region*	9,150,000	5165.1	369.1	4796.0
Maine†	1,028,000	2544.4	113.7	2430.6
Nebraska†	1,542,000	2811.2	185.4	2625.8
New Mexico†	1,106,000	4707.9	454.3	4253.5
Rhode Island†	973,000	4678.3	282.5	4395.8

* Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming.

† These states have roughly the same population as Utah.

Source: "Crime in the United States--1973," Federal Bureau of Investigation, Washington, D.C.

city court judge, the president of the Utah Bar Association, and one justice of the peace. All members serve for two years. The council is responsible for developing uniform administrative policy for courts throughout Utah, establishing policies for correct operation, and preparing an annual report of the operations of the court. The court administrator is appointed by the Judicial Council and serves at the pleasure of the council or the Supreme Court, or both. Among his duties is the implementation of standards of the Judicial Council.

Supreme Court Five judges serve on the Utah Supreme Court, which has both original and appellate jurisdiction and is the court of last resort on questions of state law. Justices are elected on a non-partisan basis for ten-year terms.

District Courts Utah has 21 judges serving in seven judicial districts. District courts meet at least three times a year and are created as courts of general and unlimited jurisdiction to try all matters, civil and criminal. District judges are elected by popular nonpartisan ballot for six-year terms.

Juvenile Courts Utah has an integrated juvenile court system divided into five court districts. Because of the special requirements of the office, the eight judges of the courts are appointed, not elected. The present statute establishes a Juvenile Court Commission consisting of a justice of the Supreme Court, the director of Family Services, the president of the Utah Bar, the state superintendent of public instruction, and the director of the Division of Health.

City Courts Governing bodies of first-, second-, and third-class cities or county seat cities in Utah are authorized to establish city courts. City courts have exclusive original jurisdiction in alleged violations of city ordinances. They also have jurisdiction to try misdemeanors and to hold preliminary hearings in felony cases. Their civil jurisdiction is over actions entailing claims up to \$1,000. City court judges are elected for six-year terms on a non-partisan basis.

Justice Courts Justices of the peace and justice courts are important in rural areas and in handling traffic offenses. Justice courts have jurisdiction in civil

matters entailing sums less than \$300, or imprisonment not exceeding six months.

3. Prosecuting and Defense Agencies

Prosecution	Utah has 29 county attorneys. To coordinate their efforts, the StateWide Association of Prosecutors (SWAP) was established. SWAP is a professional organization that coordinates all prosecutorial work in the state; establishes performance standards and a legal research component for prosecutors; drafts, prints, and distributes a monthly newsletter; and handles prosecutor training in the state.
State Attorney General	The Utah Attorney General is elected for a period of four years. He is the legal advisor of state officers and performs such duties as are required by law.
Defense	In 1965, the Utah Legislature enacted statutes requiring each of the counties to provide certain minimum standards for the defense of defendants financially unable to obtain adequate defense. The methods used for public defense include appointing attorneys or contracting with nonprofit groups for the provision of legal services.

4. Corrections

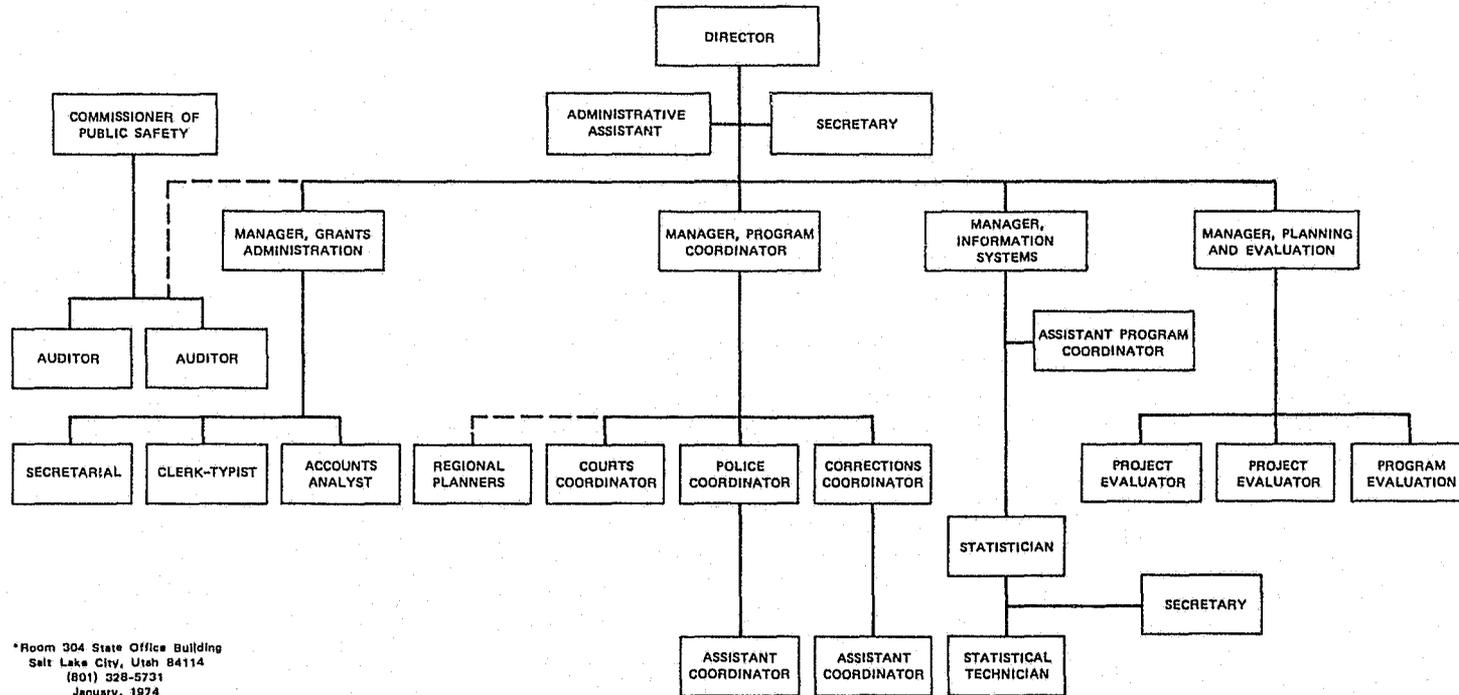
The adult correctional authority rests with the State Division of Corrections, which includes the Board of Corrections, the Board of Pardons, Adult Probation and Parole, and the Utah State Prison. Correctional responsibility for juveniles rests with the Division of Family Services and the Juvenile Court.

D. Criminal Justice Planning

The Utah Law Enforcement Planning Agency (ULEPA) was established by state Executive Order in 1969 to administer the provisions of the 1968 Omnibus Crime Control and Safe Streets Act. Significant amendments to Title I of the Act were adopted in August 1973 by Public Law 93-83. In October 1973, Governor Calvin Rampton charged the Utah Law Enforcement Planning Council (the ULEPA supervisory board, referred to hereafter as the Council) with major responsibilities for the planning, coordination, and evaluation of state criminal justice. The final responsibility required the Council to recommend goals and standards for Utah's criminal justice system, and to relate these recommendations to a timetable for implementation. The Council enthusiastically endorsed the standards and goals concept as a way of developing a base of information on the Utah criminal justice system and as a way of structuring and coordinating statewide criminal justice planning.

The organizational structures of ULEPA and of the Council are shown in Figures 2 and 3, respectively.

For purposes of ULEPA planning, the state is divided into eight regional planning areas (see Figure 4), which are served by seven regional planning agencies (two regions are combined). In all regions there are only three full-time regional planners. The regions without full-time planners have only part-time staff.



*Room 304 State Office Building
Salt Lake City, Utah 84114
(801) 328-5731
January, 1974

FIGURE 2 ORGANIZATION OF THE UTAH LAW ENFORCEMENT PLANNING AGENCY*

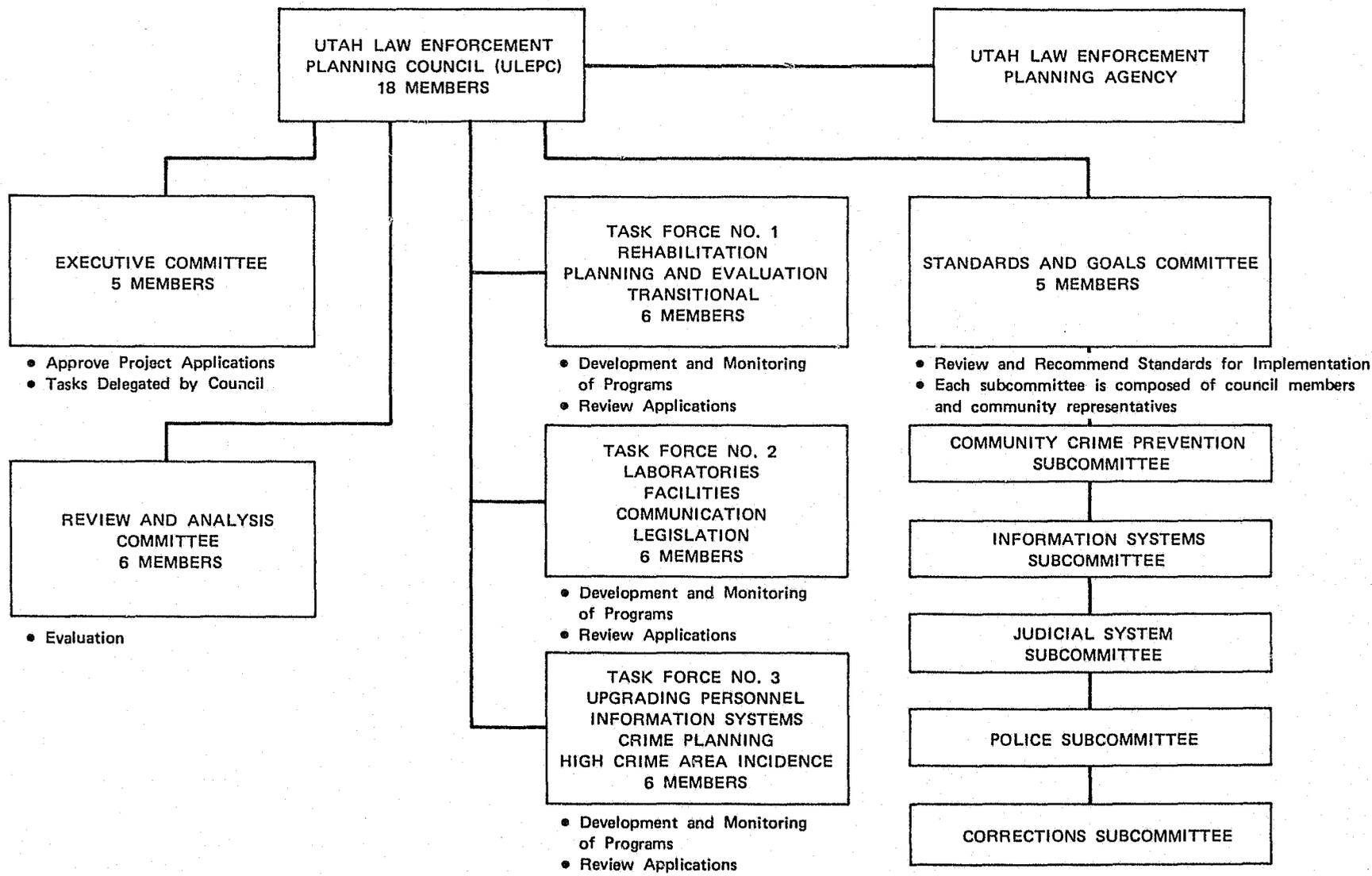


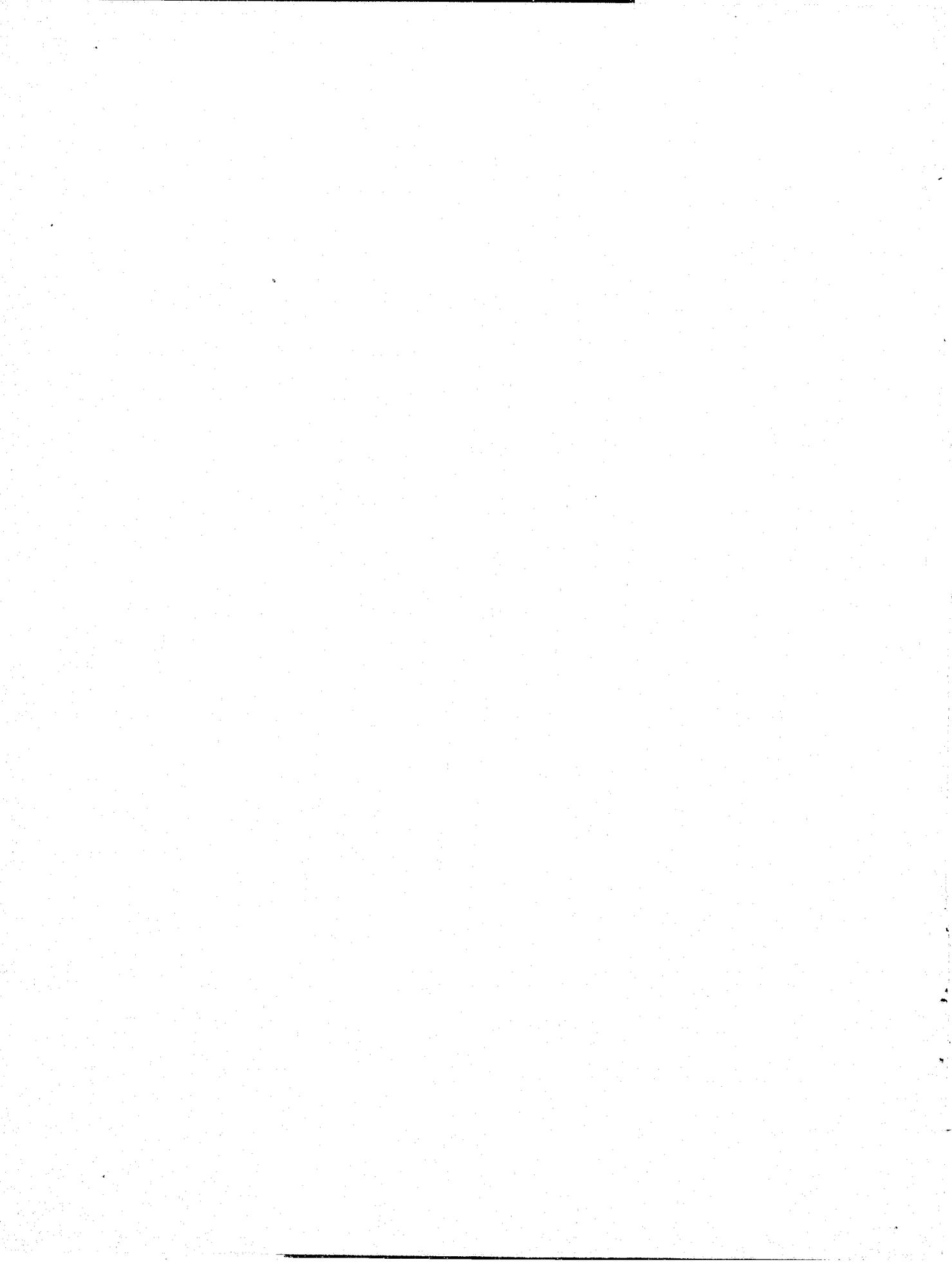
FIGURE 3 ORGANIZATION OF THE UTAH LAW ENFORCEMENT PLANNING COUNCIL



FIGURE 4 ULEPA REGIONAL PLANNING AREAS

III A CHRONOLOGY OF EVENTS IN UTAH'S
COMPREHENSIVE PLANNING PROCESS

January to October 1975	ULEPA planning meeting for Comprehensive State Plan. Begin writing Existing Systems.
April 1975 to January 1976	ULEPA staff completes Existing Systems. Regions complete Multiyear Plans and submit to ULEPA.
May 1975 to February 1976	State planners prepare preliminary programs. State staff prepares proposed Multiyear Plan, which (with the Existing Systems section) is sent to regions for review.
June 1975 to March 1976	Council reviews and approves Multiyear goals and objectives. Multiyear Plan is completed.
July 1975 to April 1976	Annual Action Plan is prepared by regions and submitted to ULEPA.
August 1975 to May 1976	Council approves dollar allocation in Annual Action Plan. Action Plan is completed.
September 1975 to June 1976	Council votes on Comprehensive State Plan.



IV ORGANIZATIONAL STRUCTURE FOR STANDARDS AND GOALS

The Utah standards and goals program officially began in November 1973. Task forces were formed in the areas of Police, Corrections, Judicial Systems,* Community Crime Prevention, and Information Systems. Each task force was chaired by a member of the Council. ULEPA staff members were assigned to each task force in their area of program specialization.

The size of the task forces ranged from nine on the Information Systems Task Force to 23 on the Judicial Systems Task Force. Most of the members were suggested to the Governor by the Council and the ULEPA staff. In composing the groups, planners attempted to include people from a base as broad as possible. Thus, the task forces included legislators, religious leaders, business representatives, and news people, as well as experts from the criminal justice system.

In assigning individuals to each task force, planners tried to diversify the membership by including people with special perspectives. This was especially true with the task forces on Judicial Systems, Corrections, and Community Crime Prevention. The task forces on Police and Information Systems were more specialized. The interdisciplinary approach of Judicial Systems, Corrections, and Community Crime Prevention made the work of these task forces more arduous because every standard received intense scrutiny from all sides, but such an approach reinforced the need for cooperation among the disparate elements of the criminal justice system.

* The Judicial Systems Task Force was subsequently split into two groups; one focused on courts, the other on prosecution and defense.

Task force membership lists are attached as Appendix B.

The purpose of the task forces was to develop standards that would be applicable to Utah by reviewing the standards and recommendations of the National Advisory Commission (NAC) on Criminal Justice Standards and Goals. Standards of the American Bar Association and the American Corrections Association were also reviewed to provide Utah with thorough coverage of criminal justice standards.

Task forces were to meet monthly, though meetings were often held more frequently. Working papers and task force recommendations were developed in the meetings. These working papers provided the substance for a three-day workshop--the Utah Law Enforcement Planning Council Standards and Goals Workshop--which was held August 22-24, 1974, in Park City, Utah.

To date, the task forces on Community Crime Prevention and Information Systems have completed their recommendations for standards and have sent them to the Council for approval. All but a few have been adopted, either as suggested or with minor modification. The ULEPA staff is now proceeding with the implementation of those standards. The task forces on Corrections, Police, and Judicial Systems have submitted some of their recommended standards to the Council; those that have been adopted are now in various stages of implementation.

V STAFFING THE STANDARDS AND GOALS PROGRAM

The most impressive feature of the Utah standards and goals program was the work of the ULEPA staff. They not only organized the task forces and work plans but also extensively researched the state's criminal justice system and served as aides to the task forces. With minimal resources and an array of competing responsibilities, the ULEPA staff developed and directed a comprehensive standards and goals program, bringing together over 80 state and local officials and criminal justice practitioners.

All of the task forces used the NAC report as the basis for considering standards. After establishing the order in which standards would be considered, ULEPA staff prepared background papers and recommendations on each standard for use by the task forces. Staff also arranged for experts to address the task forces. Although each task force was allowed to hire outside consultants, this option was rarely exercised. The only additional support was supplied by research assistants who worked with the ULEPA staff on a temporary basis and by a team of technical consultants provided by the LEAA Office of National Priority Programs, Division of Standards and Goals. The LEAA consultants aided ULEPA in mapping an implementation strategy to be used after final standards were adopted.

Members of the Utah standards and goals staff are shown below.

Robert Andersen . . . ULEPA Director
Garey Webster Corrections Specialist
Kathy Hardy Corrections Specialist
Dennis Fuchs Courts Specialist
David Marsh Courts Specialist
Bruce Heath Police Specialist

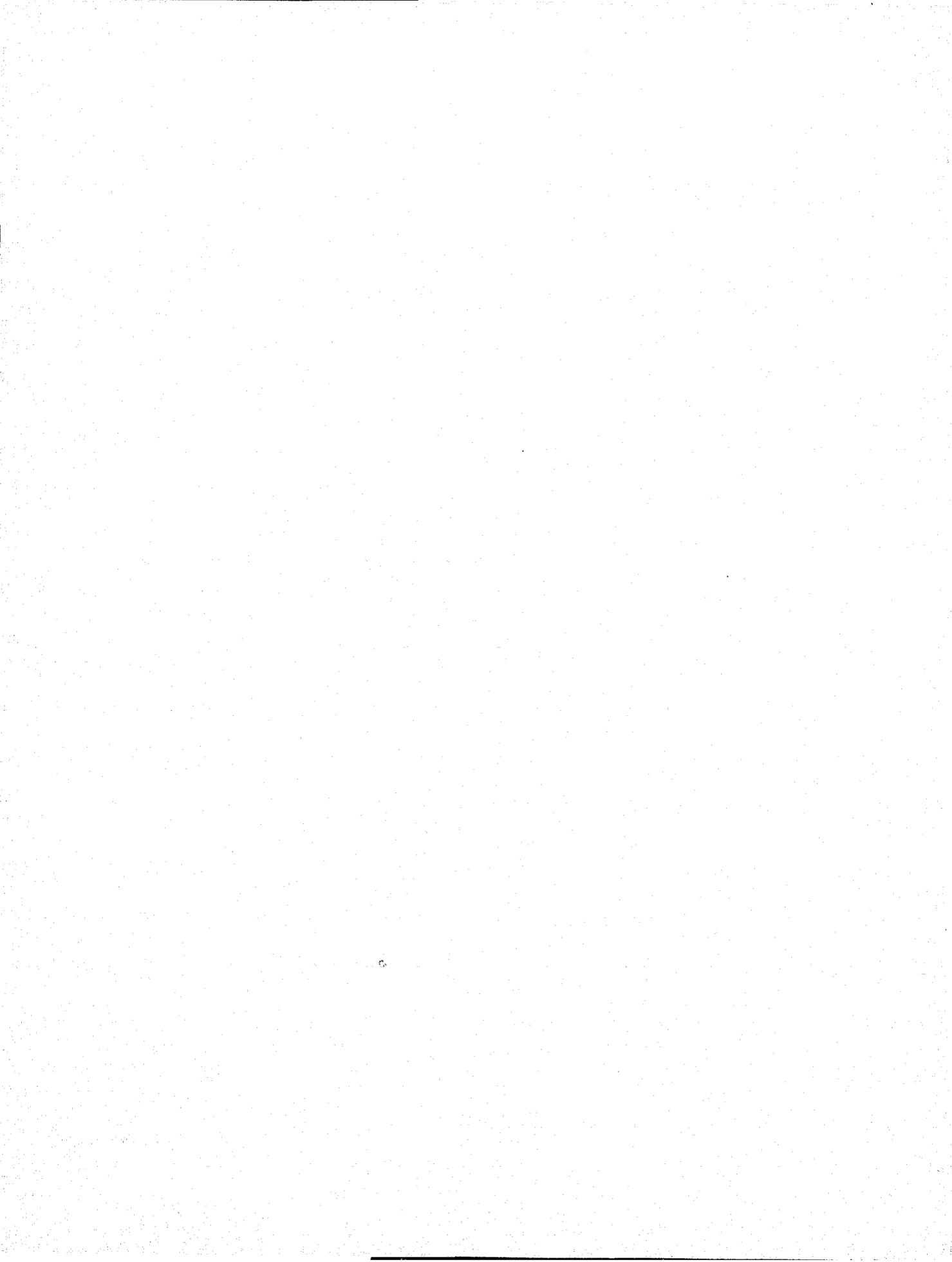
Dorothy Pappas . . . Police Specialist
Mike Stewart . . . Information Systems Specialist
Art Hudacko . . . Information Systems Specialist
Leslie Goodloe . . . Community Crime Prevention Specialist
Keate Weaver . . . Community Crime Prevention Specialist

VI FINANCING THE STANDARDS AND GOALS PROGRAM

Utah did not have a discretionary grant for its standards and goals effort. Instead, the state requested and received a \$20,000 supplement to Part B Planning Funds, which paid task force travel costs, reproduction costs, and the expenses of a standards and goals conference held in Park City, Utah, in August 1974.

Staff were funded out of the ULEPA budget. To estimate the cost of their work with standards and goals, the approximate months worked were multiplied by approximate staff salaries, based on information supplied by an assistant to the ULEPA director.

The staff of approximately ten persons worked intermittently for 18 months on standards and goals. An estimate of salaries for professional staff is \$53,000. An additional \$7,000 for secretarial time must be added, bringing the estimated total to \$60,000. With the \$20,000 supplement to Part B Planning Funds, the overall expenses are approximately \$80,000.



VII FORMULATION OF STANDARDS AND GOALS

A. Goals

The Utah standards and goals task forces, like the NAC, concentrated primarily on the development of standards. Instead of focusing on specific desired outcomes--quantified goals--the task forces examined the processes of the criminal justice system. This approach was based on the assumption that the ultimate goal, i.e., crime reduction, could be furthered by improving the links in the system designed to address that goal.

With the concurrence and approval of the Council, ULEPA establishes annual and long-range goals for crime reduction in the State of Utah. These goals are stated in the Comprehensive State Plan. The 1974-76 Plan is developed in four sections: Problems, Goals and Objectives, Solutions, and Budget. The "Problems" section outlines the major crime problems and shortcomings in the criminal justice system; these problems are substantiated with extensive demographic, social, and economic data as well as crime statistics. "Goals" are defined as levels at which the problems will be considered solved. "Objectives" are defined as intermediate steps that must be taken to achieve the goals. The "Solutions" section identifies programs to be undertaken to accomplish the stated goals and objectives.

The present Comprehensive State Plan states that the highest priority goal for Utah is crime reduction. Under that umbrella goal, the Plan identifies two crime planning goals, nine support systems goals, and one goal for crime reduction in high crime areas. Most of the support systems goals are qualitative, but the goals for crime planning and for

crime reduction in high crime areas have been quantified. These quantitative goals have been stated as percentage reductions from the base year 1972. Because 1972 showed a statewide, as well as nationwide, reduction in the Crime Index rate, the need for baseline data over a longer time was apparent. Consequently, in the next revision of the Comprehensive State Plan, data from several years will be used for goal statements. Because the success of both law enforcement planning and operation will be measured against these goals, Utah recognizes the need for realistic goal statements.

Even though the Utah task forces gave little consideration to particular goals, their attitudes and insights will influence the development of goals in future years.

B. Standards

The foremost concern of the task forces was to examine the NAC volumes and recommend standards for Utah. Thus, the task forces began work immediately after their appointment in November 1973 and met frequently over the next nine months. Although task forces often had less than full attendance, absences were usually caused by members having other commitments. The ability of ULEPA to motivate task force members and to maintain their interest in this project is evidenced by the overall attendance rate of 75 percent on the Police Task Force.

Each task force was assigned ULEPA staff for direction, research, and technical assistance. To facilitate the work of the task forces, the ULEPA staff prepared an "Organizational Packet," which included a history of the NAC work, an organization chart of Utah's standards and goals program, a statement on participant responsibilities, task force assignments, and work schedules. One section of the packet, "Rules of

Procedure for the Criminal Justice Standards and Goals Task Forces," has been appended to this report as Appendix C.

The use of ULEPA planning staff in the standards and goals program has the obvious advantage of aiding the incorporation of standards into all subsequent operations of the agency. On the other hand, this heavy commitment of time and effort to the task forces has diverted ULEPA from other duties, such as grants management and evaluation.

The criteria for considering standards varied among the task forces. Most decided that the momentum created by the initial enthusiasm of the participants could best be maintained by dealing first with those standards that were the least controversial, could be most easily implemented, and would have the greatest impact. Task force assignment of priorities was as follows.

- The Police Task Force decided to consider all the NAC standards and set no criteria for ordering standards by priority.
- The Community Crime Prevention Task Force first selected issues of significance to the state that were addressed in the NAC Community Crime Prevention Task Force volume. These standards were assigned priorities on the basis of accessibility of information--the standards easiest to evaluate with existing information were studied first. Standards requiring more research into the status of Utah's performance were deferred for later consideration.
- The priorities set by the Judicial Systems Task Force for consideration of standards included (1) attaining speed and efficiency in the pretrial and trial proceedings and prompt finality in appellate proceedings, (2) upgrading prosecution and defense, and (3) ensuring high quality of justice. Standards that required constitutional or statutory change and those that appeared easy to implement were given first attention. Despite the setting of these priorities, members of the Judicial Systems Task Force stated that the potential controversy created by a standard was a factor in determining when it would be considered.

- The Corrections Task Force used immediacy of need as the main criterion for developing its work plan. The task force ordered its priorities by considering first those standards that were judged to have the most far-reaching impact and to show the most immediate results.
- The Information Systems Task Force structured its work plan around the complexity or degree of controversy generated by the standards. Thus, the more time-consuming standards were considered first, and the easier standards later.

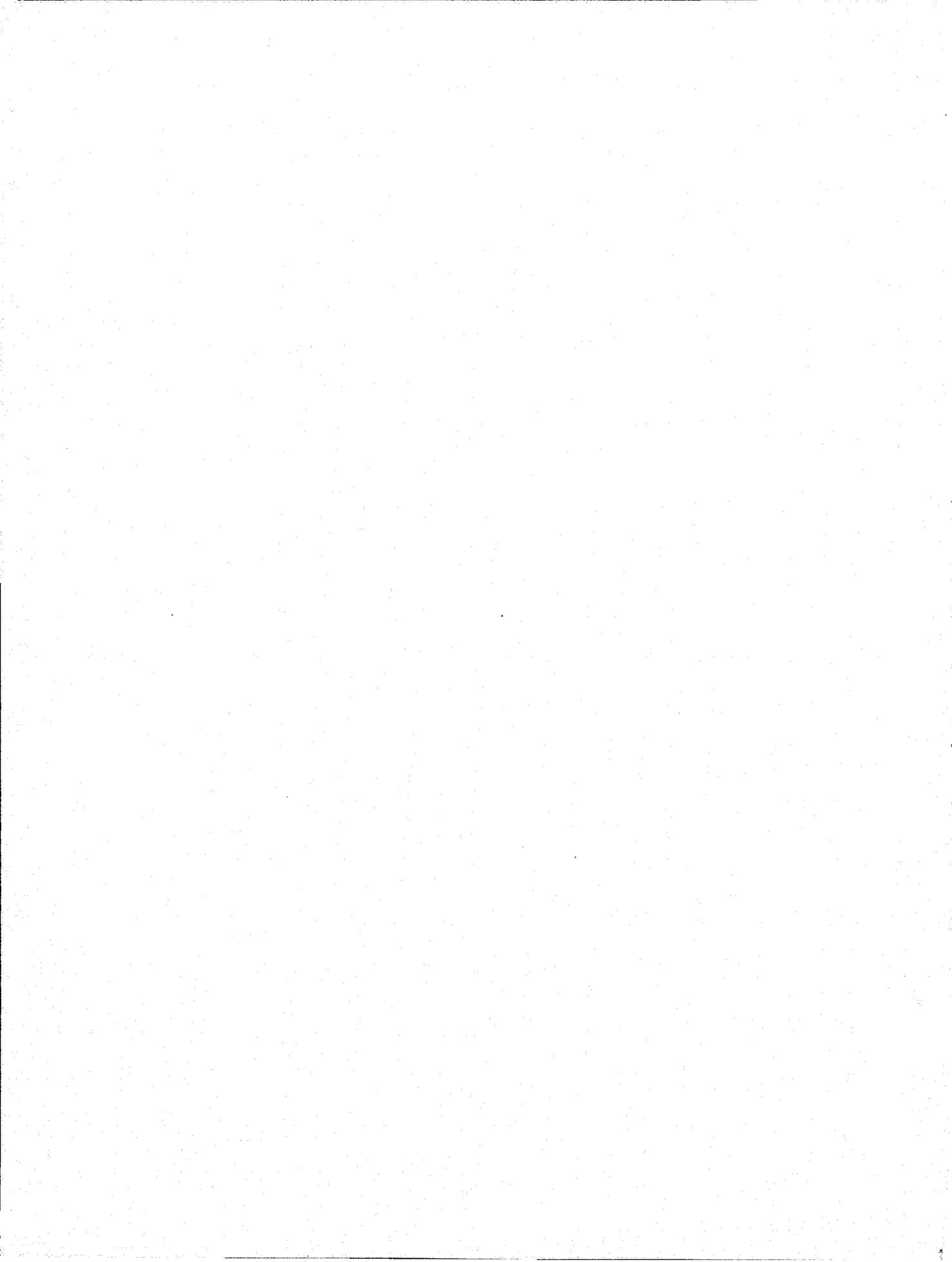
At each task force meeting, five or six NAC standards were presented and debated. Before each of these meetings, a set of background reports was prepared by the ULEPA staff. These background reports contained a statement of the standard as it appeared in the NAC report, a description of the intent and implications of the standard, a list of alternative standards, a discussion of relevant laws and procedures in Utah, an explanation of how Utah's current practice differed from the standard, a staff recommendation on the standard, and suggested approaches to implementation, should the standard be adopted. (One of these background reports is attached as Appendix D.) The discussion of alternative standards required the staff to be thoroughly familiar with the extensive literature of organizations, other than NAC, that had produced recommended standards for the criminal justice system. Although the standards of the American Bar Association and the American Corrections Association were given careful consideration, the standards that have been recommended to the Council bear strong resemblance to the work of NAC.

In some instances, especially in the deliberations of the Community Crime Prevention and Information Systems task forces, members felt that none of the recommended standards adequately addressed the needs of Utah. The need for new standards was felt to be acute, for example, in the area of alcoholism and alcohol abuse. This need was highlighted for the Community Crime Prevention Task Force by a study on the subject done

within the state. On the basis of that study and staff research, new standards were developed and adopted by the task force.

Task forces actively solicited the input of knowledgeable citizens and professionals in criminal justice. These speakers explicated the degree of impact anticipated from the implementation of selected standards.

In addition to the ULEPA development activities, the standards and goals process has been started in Regions I and II. Served by the Northern Utah Criminal Justice Planning Agency in Ogden, these regions have established eight committees on standards and goals and are actively engaged in consideration of regional standards.



VIII REVIEW OF STANDARDS AND GOALS

Before the statewide task forces considered standards for adoption, the standards were sent to the regions for consideration. Because most regions were not organized to consider standards, little was done. Later, as standards were approved by task forces, they were again submitted to the regions for comment. While response was sporadic, some regions are now beginning to consider standards for local adoption.

Despite the slowness with which the regions have responded to ULEPA requests for assistance, there was statewide participation in the process through the composition of the task forces. The task forces included criminal justice practitioners, educators, public officials, media representatives, and citizens.

Three explanations have been given for lack of input from sources outside the task forces. The first is that changes have occurred in ULEPA staff. During the first year of the standards and goals program, ULEPA staff enjoyed excellent working relations with regional and local officials. These relationships were not restricted to members of the task forces, but included government representatives and public figures throughout the state.

The second reason for lack of review and comment is that some task force members have not transmitted information regarding their task force activity to citizens at the local and regional level who will participate in "ratification" of these statewide decisions. For instance, local members of the Bar Association have not been briefed on this important work by their chapter presidents or by their fellows who served on the Judicial Systems Task Force.

A final explanation is that some local officials lacked initial interest. Many such people, citing a number of other commitments, declined to participate on the task forces. Then, after the task forces had made their recommendations, these people voiced their complaints about what they viewed to be state usurpation of local prerogative.

Although the Council and ULEPA would have liked more local review and comment, the various regions were represented on the task forces. These participants were enthusiastic and were able to present local and regional viewpoints.

IX ADOPTION OF UTAH'S STANDARDS AND GOALS

On August 22-24, 1974, the Utah Law Enforcement Planning Council Standards and Goals Workshop was held in Park City, Utah. The purpose of the meeting was to adopt a first set of standards for the Utah criminal justice system.

Fifty-four participants--Council members, task force representatives, and others--attended the workshop. These participants were assigned to small work groups; each group held five two-hour sessions. The working sessions consisted of a brief overview of the nature, purpose, and impact of the standards and recommendations and a discussion of individual standards. In five working sessions, 192 standards were reviewed. For the first time, persons other than the ULEPA staff had a chance to see the entire package of standards and recommendations ready for consideration at that time.

On the last day of the workshop, the Council reviewed the recommendations of the task forces and considered additional suggestions developed during the workshop. The Council approved 162 standards, returned 28 to the task forces, and rejected two. Due to time constraints, the Community Crime Prevention standards and recommendations were held over for a later meeting of the Council.

Most of the participants interviewed felt that the workshop was an excellent way of bringing together task force members and other members of the criminal justice system to discuss the work to date. However, one reservation expressed was that participants who were not task force members were unable to fully understand the decisions reached by the task forces. As a result, issues were debated that had already consumed much

of the task forces' time. In addition, some standards were altered that might have been left intact had all the workshop participants had the benefit of complete information developed within the task forces.

Some task forces had not completed their work at the time of the Park City workshop. The Judicial Systems Task Force, for instance, is just beginning its last phase of work--the extensive research and review of the remaining NAC Courts standards. The Corrections and Police task forces, too, are still considering standards for recommendation to the Council.

While not a formal participant in task forces, the Council, or the workshop in Park City, the Utah Bar Association has been engaged in the consideration of new criminal justice standards. After standards had been recommended by the Council to the Governor for acceptance and implementation, the Judiciary Committee of the State Bar, on September 11, 1974, requested that the Governor delay action and permit the Bar to prepare comments for the Governor's consideration. Governor Rampton promptly agreed to the Bar's participation. While basically favoring both the process and the substance of the Council's work, the Bar directly opposed 18 standards, most of which were Information Systems standards dealing with the invasion of privacy and the requirements for certain changes in record keeping by the Judiciary. The Bar specifically endorsed seven Judicial Systems and Police standards and, with modifications, approved 18 Judicial Systems, Community Crime Prevention, and Information Systems standards and recommendations. It is too early to judge the full impact of the delayed action on the part of the Utah Bar, but its efforts have indicated definite interest in setting standards for the Utah criminal justice system.

X IMPLEMENTATION OF STANDARDS AND GOALS

The development of implementation strategies has proceeded as part of the task forces' consideration of standards. In preparing background reports on each standard, the ULEPA staff considered alternative methods of implementation and made recommendations to the task forces on the basis of their research. The suggested vehicles for implementation included:

- Changes in administrative policy.
- Naming of an ombudsman.
- Creation of enabling legislation.
- Changes in statutes.
- Appropriation of funds so that existing statutes could be better enforced.
- Repeal of outdated and unenforced legislation.

Priorities for implementing newly adopted standards have been based on (1) degree of difficulty, beginning with those most easily implemented (e.g., a Corrections standard that provides for the professionalization of correctional management and a Police standard that seeks to strengthen bilateral communication between the police and the general public) or (2) external deadlines or pressures, as with standards requiring new or amended legislation.

In September 1974, with technical assistance provided by consultants from the LEAA Office of National Priority Programs, Division of Standards and Goals, the ULEPA staff developed a series of matrices to identify those state and local agencies that would participate in implementing standards. The ULEPA staff also determined which standards would be

implemented by legislative or administrative action and which would require special funding.

In acknowledging receipt of a ULEPA memorandum that identified the standards accepted by the Council and suggested procedures for implementation, Governor Rampton required that all proposed legislation to be included in his message to the 1975 Legislature be completed and in his office by December 1, 1974. Failure to introduce materials in 1975 would have meant a delay until 1977 because the Legislature meets in general purpose session only in odd-numbered years. Sessions in even-numbered years consider only taxation and budgetary matters.

Below, specific implementation activities--legislative and others--of each task force are discussed.

A. Corrections Standards

Preparation of draft legislation for Corrections standards was well under way by September 1974. The bills needed for the Corrections package were prepared by an attorney under a discretionary grant from the ULEPA to the Legislative Council (the legislative drafting office), Social Services Subcommittee. The ULEPA staff felt that the support of the Legislative Council would be critical for securing passage of these bills. While the Corrections bills have not yet been voted on, the ULEPA staff feel that the probability of enactment may be reduced by a lack of active lobbying for the bills.

Many of the 37 Corrections standards do not need to be implemented through legislation, but can be enacted through administrative or regulatory action. For instance, the Utah Division of Corrections feels that it is already in compliance with many of these standards and that some other standards will provide useful and practical directions for future planning.

B. Judicial Systems Standards

Of the 58 Judicial Systems standards approved by the Council, 28 required legislation for implementation. These standards are primarily in the areas of selection and retention of judges, counsel for the defense, and pretrial procedures. An attorney was contracted to complete the legal research and to develop draft legislation to implement these 28 standards. Four bills were introduced in the 1975 Legislature.

Court administration personnel for Utah expressed concern over the complexity of legislation required to implement many of the Judicial Systems standards. Doubt was expressed that the ULEPA staff or others could play a forceful leadership role in getting the bills passed. Also, it was stated that changes in court rule would be considered for implementing some of the standards for which legislation was not required.

Implementing the standards recommended by the Judicial Systems Task Force has posed some significant constitutional problems for Utah. At issue is whether it is appropriate for the executive branch of government, acting through the Council, to recommend changes that affect another branch--the judiciary. The question of separation of powers raised by the standards and goals process has not yet been resolved.

C. Information Systems Standards

Of the 49 Information Systems standards considered, 40 were approved by the Council for adoption, seven were returned for revision, and two were rejected. Most of these standards can be implemented administratively and will be handled by the Utah Criminal Justice Information System (UCJIS).

D. Police Standards

During the Park City workshop, 28 Police standards were considered by the Council. Of these, 27 were adopted and one was returned for revision.

Since the police function is primarily a local responsibility, most Police standards will have to be implemented administratively through local initiative. However, the Police Task Force has recommended that local law enforcement agencies seek the assistance of the Governor's Advisory Committee on Community Affairs, the Utah League of Cities and Towns, the Association of Counties, the Chiefs of Police Association, the Sheriffs' Association, and the Utah Peace Officers Association. The Peace Officers Standards and Training (POST) organization and ULEPA are among the state agencies that can best assist in implementation activities.

E. Community Crime Prevention Standards

On December 3, 1974, the Council approved 60 standards and recommendations on Community Crime Prevention in a variety of areas including citizen involvement, drug abuse, employment, education, and religious programs. Because of this highly fragmented field, no one agency or group can be charged with overseeing implementation of these standards. Thus, implementation is expected to be difficult and sporadic.

To overcome some of these difficulties with the Community Crime Prevention standards and some of the standards of the other task forces, ULEPA has funded a grant to the Utah League of Cities and Towns for almost \$16,000. Awarded in early autumn 1974, this grant created a position to provide liaison among the League, ULEPA, and local governments. The primary task of the person is to inform local officials and administrators of the new standards adopted by the Council, to solicit their assistance in implementing these standards, and to inform them of the impact of these

new standards on the levels of crime, the quality of justice, and the funding procedures of ULEPA.

F. Other Implementation Projects

A public information project is being planned by the ULEPA staff. It consists of a series of brochures designed to explain the standards and goals program and to publicize significant standards from each task force. In addition to informing the public of the work already done in standards and goals, these brochures should be useful for marshaling support for implementation.

In the next revision of the Comprehensive State Plan, standards will be incorporated only indirectly. Goals will again be developed from analysis of major crime problems and from observed deficiencies in the delivery of criminal justice services. At present, the standards adopted by the Council clearly influence the thinking of the ULEPA staff, since ULEPA has devoted much of its time to developing these standards. The functional specialists on the ULEPA staff have been assigned to task forces in their respective areas, and they will also have a significant role in developing major program areas in the Plan. These programs will emphasize those functions of the criminal justice system that created the greatest concern during the development of standards and recommendations.

As a first step toward incorporating standards into the Comprehensive State Plan, the ULEPA staff has undertaken a detailed comparison of the standards adopted by the Council and the goals stated in the current Plan. For example, the goal to "reduce the rate of commercial and residential burglary reported to police from 899.6 per 100,000 in 1972 to 785.5 per 100,000 in 1976," will be effected as follows:

- Directly by Community Crime Prevention recommendations 2.1, 2.2, and 2.4 and by standard 8.1.*
- Indirectly by:
 - Community Crime Prevention recommendations 1.1 through 1.11, 3.1 through 3.7, and 5.1.
 - Information Systems standards 1.1, 1.2, 2.3, 5.1, 5.2, 5.5, 5.6, and 5.7.
 - Corrections standards 4.1 and 4.2 and Chapters 5 and 6.

These statements of standards to be implemented in support of Comprehensive Plan goals are being used to help identify those applications for ULEPA funding that will help implement standards and thus contribute to goal achievement.

While it is within the administrative domain of many of the local law enforcement agencies to effect changes proposed in the standards, a significant obstacle will be lack of funds. Without a commitment of large sums of money from ULEPA or general state revenues, it is likely that many of these standards will not be fully enforced. The importance of ULEPA funding to the implementation of police standards is unquestioned. However, ULEPA funds are a very small percent of the budgets of the judiciary and corrections systems. As a result, ULEPA is less able to effect change through budgetary leverage.

* These numbers refer to the Utah numerical designations for standards and recommendations.

XI ASSESSMENT BY PARTICIPANTS



XI ASSESSMENT BY PARTICIPANTS

Any major program has its problems and rewards, and the Utah standards and goals program is no exception. Below, some of the salient remarks gathered during many interviews are presented to provide useful guidance to other states that are developing standards and goals programs.

A. Organizing for Standards and Goals

- In Utah, both the Council (the supervisory board) and ULEPA (the state planning agency) participated extensively in the standards process. This was deemed essential, since ULEPA and the Council will have responsibility for implementing many of the final standards. Staff and task force members argued against establishing a standards and goals program using people outside the existing structure.
- Utah decided on large task forces (11 to 22 members) composed of people from all sectors of the criminal justice system and the community. Interviewees agreed that this broadly based task force composition was beneficial for examining the standards from many perspectives. It was noted, on the other hand, that mixed task forces tended to slow the work of the groups because all participants did not have the same base of knowledge.
- Utah did not have a juvenile justice task force. In retrospect, ULEPA staff feel that forming such a task force might have been wise, since juvenile issues did not receive adequate attention by existing task forces.
- Task force attendance was considered essential to the standards and goals process. It was suggested that task forces with poor attendance should replace members.
- The members of the Utah task forces have spent three to four days a month on standards and goals formulation, and many of them are weary of the effort. One person interviewed suggested that maximum participation of one year would be reasonable.

- A number of people interviewed said they could not endorse a "one-shot" standards and goals process. They felt that much of the benefit from the standards and goals process comes from the exercise of approving standards as well as the implementation of standards.
- Though it was not possible to engage everyone in the standards and goals process, Utah did have enthusiastic statewide support from criminal justice practitioners and other citizens. Utah is unique in that over two-thirds of the population belongs to the Church of Jesus Christ of the Latter Day Saints; some interviewees felt that the activist nature of these people significantly helped the standards and goals process.
- The Utah task forces were aided considerably by the ULEPA staff in their consideration of standards. Every task force member interviewed cited the excellent staff work as crucial to the overall success of the program.

B. Review and Comment

- ULEPA staff members noted that some people not participating in the standards and goals process fail to fully understand its purpose. For example, one standard calls for jail inspections at the discretion of local sheriffs. Many sheriffs fear that such inspections will be mandatory, and they oppose state interference. This situation emphasizes the need to explain the purpose and intent of standards and goals to everyone who might possibly be affected by the program.
- In general, Utah has benefited from the community involvement afforded by large task forces. However, one ULEPA staff member felt that information was not adequately fed back to local communities.
- Although some task force members took the time to solicit the input of others in the community, the ULEPA staff complained that there was not enough input from the local level. For instance, mailings to local officials and others from the Corrections Task Force generated no response at all.
- A representative of one of the Utah regional planning agencies said that the standards and goals process at the state level has proceeded too fast and that the local planning

units needed more time to analyze and comment on the standards.

C. Implementation

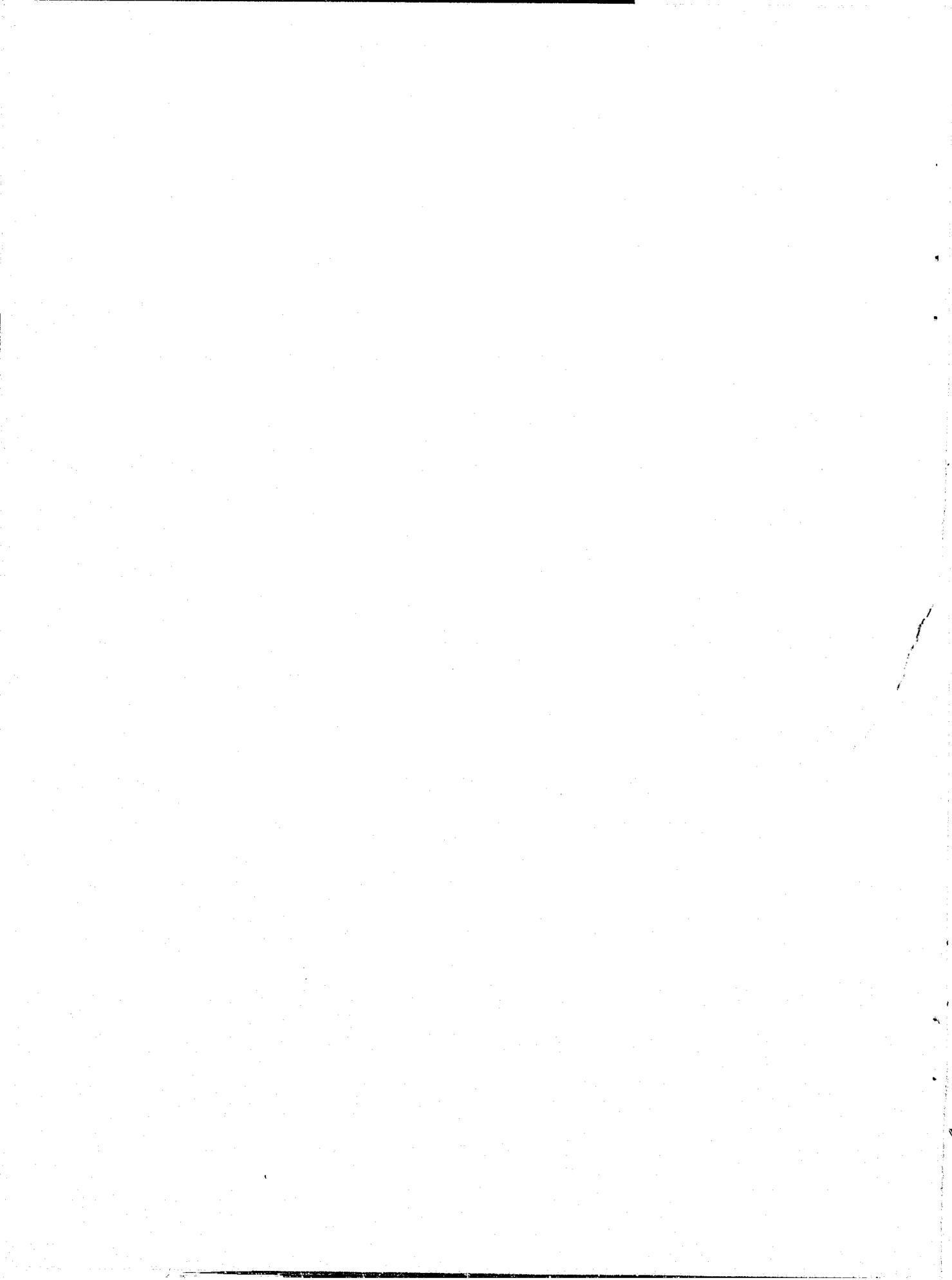
- All ULEPA staff emphasized the absolute necessity of convincing operating agencies of the importance of implementing criminal justice standards. Two agency representatives, one from the Division of Corrections and another from the Office of the Court Administrator, applauded the standards and goals program as a forum for discussing important issues, but were reluctant to commit themselves or their agencies to implementing all of the approved standards. Other task force members said that they would greatly regret the failure of their standards and goals work to effect significant changes in the Utah criminal justice system.
- ULEPA staff mentioned the need for finding strong lobbyists to work for standards adoption by the State Legislature. One suggestion was that each task force employ a person full time to lobby for legislative support and to work in other ways to facilitate the implementation of standards.
- In a background paper prepared on implementing Police standards, the need for increased funding was cited. Without additional resources, many of the standards will not be implemented.
- Utah funded a grant to the Utah League of Cities and Towns for assistance in marshaling local support for the standards and goals adopted. By contracting with the League, Utah may have won the support of a potential adversary. However, another approach suggested was to hire an additional staff member at ULEPA. By keeping public information activities in-house, ULEPA might be able to foster better relations with the cities and counties.
- In general, Utah has had a difficult time developing implementation procedures and gaining support for this demanding phase of the standards and goals work. The Council will address this problem at its August 1975 meeting.

D. Substantive Issues

- The Utah Community Crime Prevention Task Force felt that the NAC document gave inadequate treatment to alcoholism; therefore, most alcoholism standards had to be developed by the task force.
- The NAC Corrections volume was criticized for being too biased in its support of inmates' rights and postconviction legal services.
- ULEPA staff felt that NAC did not effectively deal with juvenile standards. The treatment of long-term institutions per juveniles, for example, might have been better handled by NAC.

Appendix A

CASE STUDY INTERVIEWEES



Appendix A

CASE STUDY INTERVIEWEES

Janet Andersen
Member, Corrections Task Force

Richard Peay
Utah Courts Administrator

Robert B. Andersen
ULEPA Director

Dr. Sterling Provost
Utah Board of Higher Education
Chairman, Community Crime Prevention
Task Force

Don Cavalli
Director
Northern Utah Criminal Justice
Planning Agency

Capt. J. L. Smith
Salt Lake City Police Department
Chairman, Police Task Force

Dennis Fuchs
ULEPA, Courts

Michael R. Stewart
ULEPA, Management Information Systems

Leslie Goodloe
Administrative Assistant

Jeffrey C. Thurmond
ULEPA, Courts

Alex Hurtado
ULEP Council

Steve Vojtecky
ULEPA, Evaluation

Raymond A. Jackson
Commissioner of Public Safety

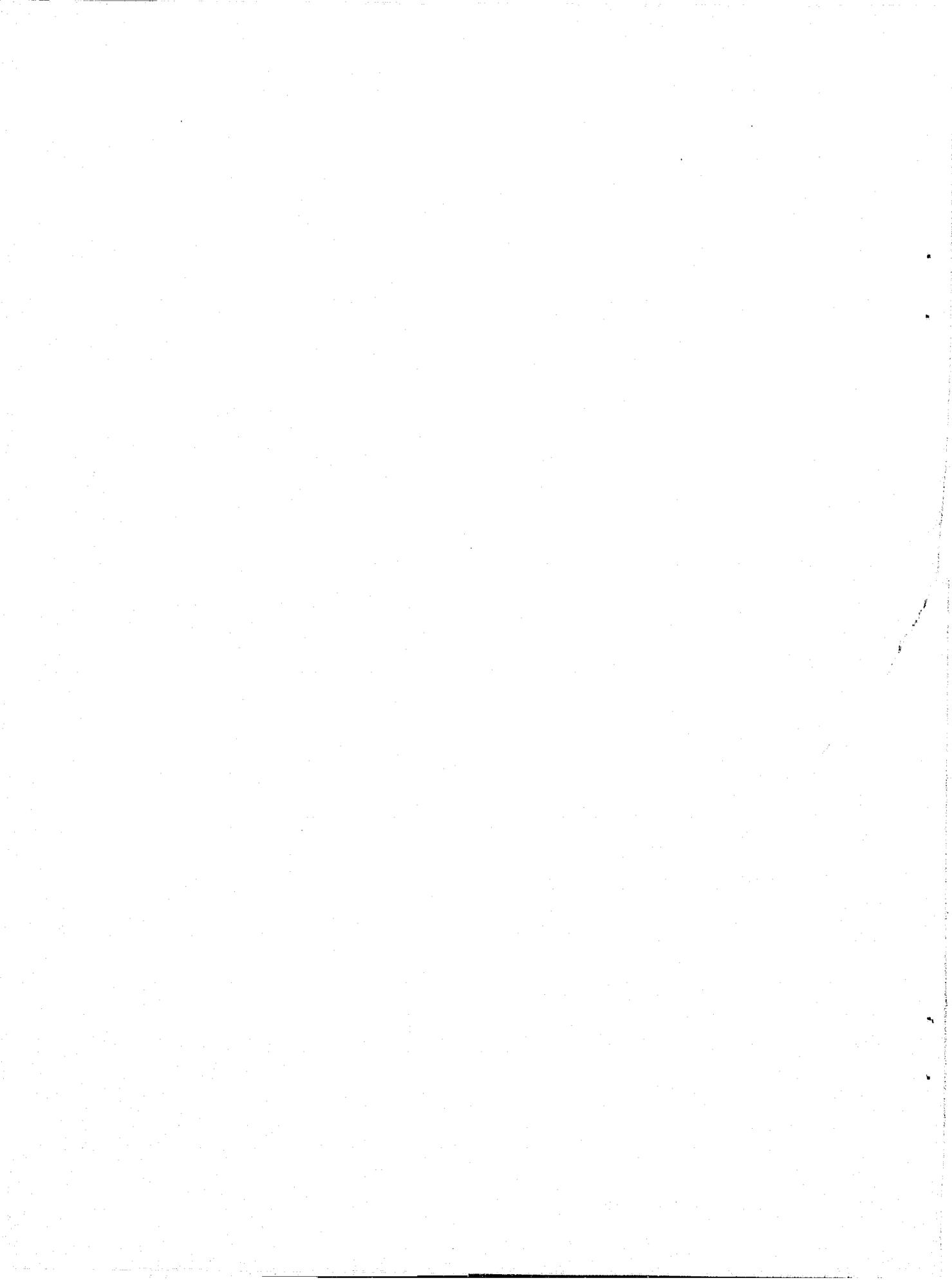
Gary L. Webster
ULEPA, Corrections

Ed Mack
State Representative, Utah
LEAA, Region VIII

Ernest D. Wright
Director
Division of Corrections

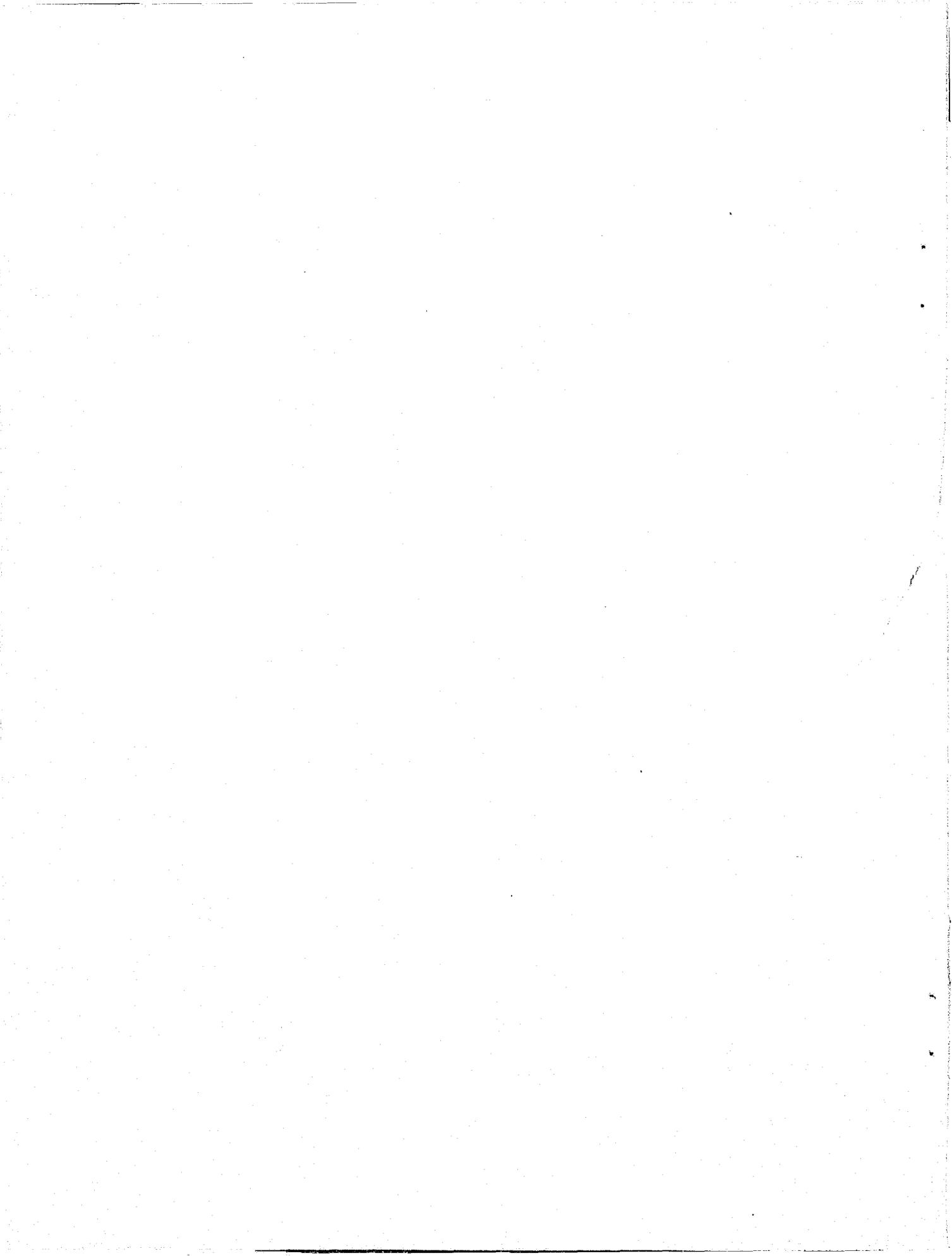
David L. Marsh
ULEPA, Courts

John McNamara
Juvenile Court Administrator



Appendix B

TASK FORCE MEMBERSHIP



Appendix B

TASK FORCE MEMBERSHIP

Police Task Force

Assistant Chief J. L. Smith
(Chairman)
Salt Lake City Police Department
Metropolitan Hall of Justice
450 South 3rd East
Salt Lake City, Utah 84111

Chief Dean Anderson
Bountiful City Police Department
745 South Main Street
Bountiful, Utah 84010

Evelyn Brown
Board of Corrections
680 North Crest Drive
Salt Lake City, Utah 84103

Donald L. Cope, Ombudsman
Department of Community Affairs
110 State Capitol Building
Salt Lake City, Utah

Charles T. Fletcher, Coordinator
Law Enforcement Education
Brigham Young University
Provo, Utah 84601

John Florez
1832 Meadow Moore Road
Holladay, Utah 84117

Calvin Gillen
Murray City Police Department
5461 South State Street
Murray, Utah 84107

Col. R. M. Helm
Superintendent
Utah Highway Patrol
State Office Building, Rm. 317
Salt Lake City, Utah 84114

Sheriff Rex Huntsman
Sevier County Sheriff's Office
Richfield, Utah 84701

Commissioner Raymond Jackson
Department of Public Safety
317 State Office Building
Salt Lake City, Utah 84114

Ralph Jones, Director
Peace Officers Standards and Training
2363 Foothill Drive, Suite F
Salt Lake City, Utah 84109

John McAllister
2444 East 6600 South
Salt Lake City, Utah 84121

Dr. Stanfrod Rees
Utah State Senator
Gunnison, Utah 84634

Warden Sam Smith
Utah State Prison
P.O. Box 250
Draper, Utah 84020

Ronald Stanger
Attorney at Law
Utah County Attorney's Office
84 East 100 South
Provo, Utah 84601

Morris Sterrett
Coordinator of Off-Campus Programs
Police Science Department
Weber State College
Ogden, Utah 84401

Community Crime Prevention Task Force

Dr. Sterling R. Provost
(Chairman)
State Board of Higher Education
1201 University Club Building
136 East South Temple
Salt Lake City, Utah 84111

Betty Gallagher
4142 Park View Drive
Salt Lake City, Utah 84117

Lowell L. Bennion
Executive Director
Community Services Council
Suite 10 County Complex
2033 South State Street
Salt Lake City, Utah 84115

Edwin L. Gee
Deputy Warden
Utah State Prison
P.O. Box 250
Draper, Utah 84020

Brent Bullock
Vice-President
Polygraph Screening Services of
Utah
3620 South State
Salt Lake City, Utah 84119

Ralph Harper
Field Director
Region IV Narcotics Task Force
290 North University Avenue, #211
Provo, Utah 84601

Barbara Cameron
225 Sixth Avenue
Salt Lake City, Utah 84103

Commissioner John Holmgren
Box Elder County Commission
Bear River, Utah 84301

B. Z. Kastler
President
Mountain Fuel Supply
P.O. Box 11368
Salt Lake City, Utah 84111

Capt. David Campbell
Salt Lake City Police Department
Metropolitan Hall of Justice
Salt Lake City, Utah 84111

Arturo Martinez
2890 East 3220 South
Salt Lake City, Utah 84109

Bishop Vaughn Featherstone
Presiding Bishopric
LDS Church
50 East North Temple
Salt Lake City, Utah 84103

Herb Murray
KSL Radio
145 Social Hall Avenue
Salt Lake City, Utah 84111

Elden Peterson
Lake Bonneville Council
Boy Scouts of America
1200 East 4400 South
Ogden, Utah 84404

Clifton Pyne, Principal
Orem High School
175 South 400 East
Orem, Utah 84057

Gilbert Shelton
President
Tracy Collins Bank and Trust
P.O. Box 90
Salt Lake City, Utah 84110

Phyllis Southwick, Professor
Graduate School of Social Work
103 Social Work Building
University of Utah
Salt Lake City, Utah 84112

Representative Glade Sowards
380 West First South
Vernal, Utah 84078

Joseph N. Symons
Board of Pardons
1211 Cherry Lane
Provo, Utah 84601

I. J. Wagner
445 Northmont Way
Salt Lake City, Utah 84103

Judge Judith Witmer
Second District Juvenile Court
3522 South 600 West
Salt Lake City, Utah 84119

Mayor Golden Wright
City of Fillmore
Fillmore, Utah 84631

Information Systems Task Force

Marion Hazleton (Chairman)
P.O. Box 787
Monticello, Utah 84535

Judge Regnal Garff
Second District Juvenile Court
3533 South 6th West
Salt Lake City, Utah 84119

James B. Lee
5340 Cottonwood Lane
Holladay, Utah

Robert Mullins, Reporter
Deseret News
City Desk
34 East 1st South
Salt Lake City, Utah 84110

Richard Peay
Utah Courts Administrator
Office of Courts Administration
337 State Capitol Building
Salt Lake City, Utah 84114

Mike Riordan, Director
Planning and Research
Salt Lake County Sheriff's Office
Metropolitan Hall of Justice
450 South 3rd East
Salt Lake City, Utah 84111

Ivard Rogers, Director
Utah Bureau of Criminal Identification
300 State Office Building
Salt Lake City, Utah

Donald Spradling, Director
Office of Emergency Services
P.O. Box 8100
Salt Lake City, Utah 84108

David Young, Director
StateWide Association of Prosecutors
540 East 500 South
Salt Lake City, Utah 84102

Corrections Task Force

Barbara Burnett (Chairman)
6133 South 2300 East
Salt Lake City, Utah 84121

Sheila Gelman
4403 Adonis Drive
Salt Lake City, Utah 84117

Janet Andersen
4315 Spruce Circle
Salt Lake City, Utah 84115

Judge Merrill Hermansen
Third District Juvenile Court
151 East 1st South
P.O. Box 133
Provo, Utah 84601

Joe Bogaty, District Agent
Adult Probation and Parole
2135 South West Temple
Salt Lake City, Utah 84115

David Hughes
1637 Orchard Drive
Salt Lake City, Utah 84106

Carmen L. Boutet
985 1st Avenue, Apt. 2
Salt Lake City, Utah 84103

Michael Leavitt
407 1/2 Kayenta Circle
Cedar City, Utah 84720

Burton L. Carlson
State Planning Office
State Capitol Building, Rm. 118
Salt Lake City, Utah

Willard Malmstrom, Director
Office of Youth Development
Department of Social Services
243 East 400 South
Salt Lake City, Utah 84111

Lt. Gary DeLand
Salt Lake County Sheriff's Office
Administrative Division
437 South 200 East
Salt Lake City, Utah 84111

John McNamara, Administrator
Utah State Juvenile Court
339 South 600 East
Salt Lake City, Utah 84102

David S. Dolowitz, Attorney at Law
Salt Lake County Bar Legal
Services
216 East 500 South
Salt Lake City, Utah 84111

Joel Millard
Project Reality
146 East 6th South
Salt Lake City, Utah 84111

Earl Dorius
Attorney General's Office
State Capitol Building, Rm. 236
Salt Lake City, Utah

Claude Pratt, Superintendent
State Industrial School
P.O. Box 41
Ogden, Utah 84414

Judge Don Tibbs
Sixth Judicial District
County Courthouse
Manti, Utah 84642

Ernest D. Wright, Director
Division of Corrections
104 State Capitol Building
Salt Lake City, Utah 84114

Beverly White
State Representative
122 Russell Avenue
Tooele, Utah 84074

Judicial Systems Committee

Courts Task Force:

Keith Stott (Chairman)
Attorney at Law
800 Kennecott Building
10 East South Temple
Salt Lake City, Utah 84111

Richard Peay (Alternate Chairman)
Utah Courts Administrator
Office of Courts Administration
250 East 3rd South, Room 240
Salt Lake City, Utah 84111

Judge Geraldine Christensen
Justice of the Peace
1850 West 7800 South
West Jordan, Utah 84121

Judge Bryant H. Croft
Third Judicial District Court
240 East Fourth South
Salt Lake City, Utah 84114

Father John Hedderman
333 East South Temple
Salt Lake City, Utah 84111

Judge Paul G. Keller
Fifth District Juvenile Court
47 South 1st East
Price, Utah 84501

Representative Howard Nielsen
580 Sagewood Avenue
Provo, Utah 84601

Paul Peters, Chief Agent
Adult Probation and Parole
104 State Capitol Building
Salt Lake City, Utah

Professor Kline Strong
College of Law
University of Utah
Salt Lake City, Utah 84112

Chief Judge Thornley K. Swan
Second Judicial District Court
Courthouse Building
Farmington, Utah 84025

Judge Stanton Taylor
Ogden Municipal Court
Municipal Building
Ogden, Utah 84401

Judge Fred Ziegler
Ogden Municipal Court
Municipal Building
Ogden, Utah 84401

Prosecution/Defense Task Force:

David L. Wilkinson (Chairman)
Assistant Attorney General
Attorney General's Office
236 State Capitol Building
Salt Lake City, Utah

David Young, Director
(Alternate Chairman)
StateWide Association of
Prosecutors
220 South 2nd East, Suite 440
Salt Lake City, Utah 84111

Jay V. Barney
Attorney at Law
4924 Poplar Street
Murray, Utah 84107

Lloyd Bliss
4224 Parkview Drive
Salt Lake City, Utah 84109

Hans Chamberlain
Iron County Attorney
Box 726
Cedar City, Utah 84720

Spencer L. Haycock
Chief Criminal Deputy
Salt Lake County Attorney's Office
Metropolitan Hall of Justice
Salt Lake City, Utah 84111

John Hill, Director
Public Defenders
343 South 600 East
Salt Lake City, Utah 84102

Senator Richard Howe
830 East 5600 South
Murray, Utah 84107

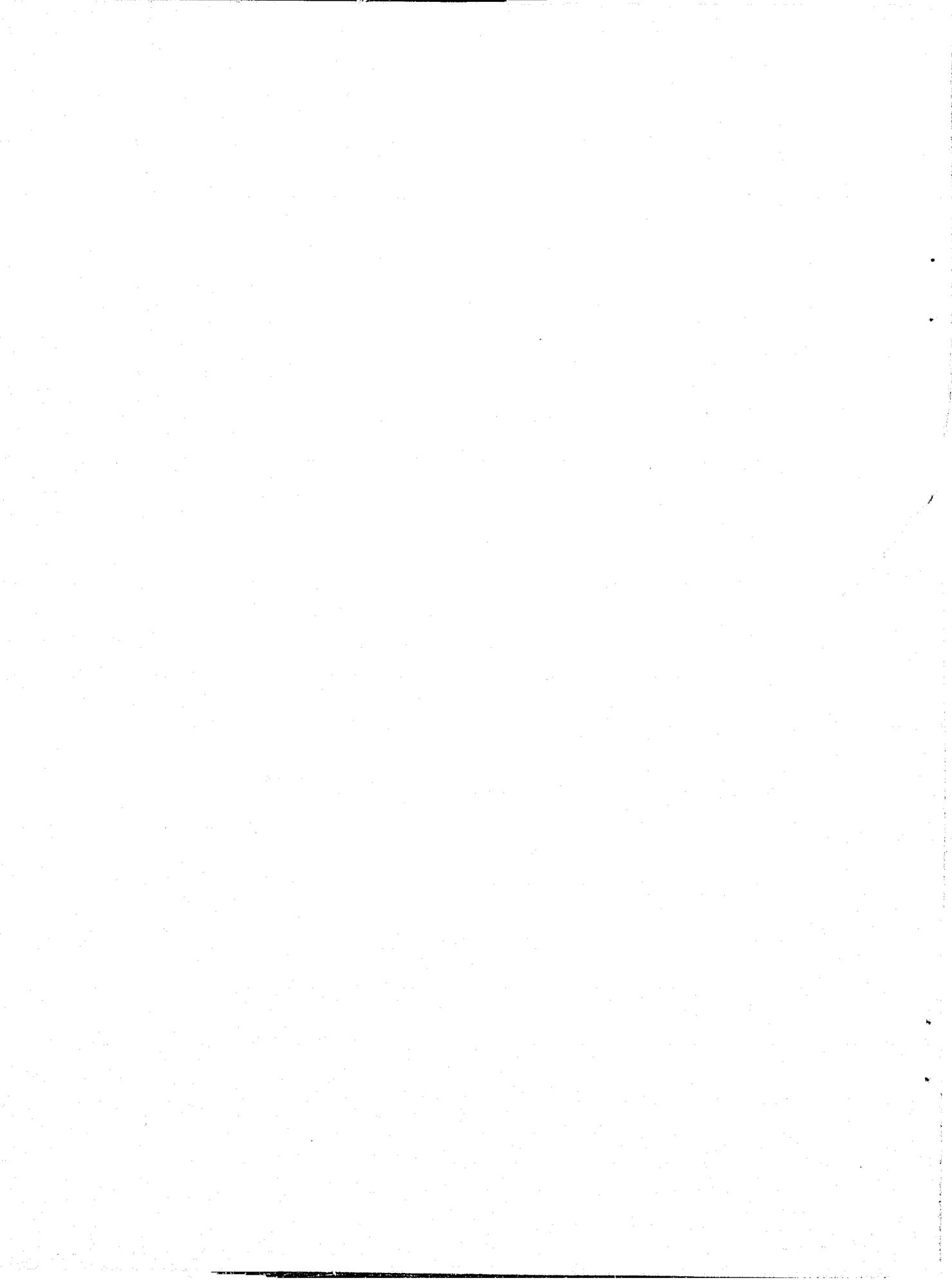
Chief Leroy Jacobsen
Ogden City Police Department
Municipal Building
Ogden, Utah 84401

Franklin Johnson
Attorney at Law
330 Trolley Square
Salt Lake City, Utah 84102

Reid Russell
Chief, Criminal Division
Attorney General's Office
236 State Capitol Building
Salt Lake City, Utah

Appendix C

RULES OF PROCEDURE FOR THE CRIMINAL JUSTICE
STANDARDS AND GOALS TASK FORCES



Appendix C

RULES OF PROCEDURE FOR THE CRIMINAL JUSTICE
STANDARDS AND GOALS TASK FORCES

ARTICLE I. ORGANIZATION

SECTION A. THE TASK FORCE CHAIRMAN

1. Appointment of the Chairman: The Chairman of each Standards and Goals Task Force shall be a member of the Utah Law Enforcement Planning Council and selected jointly by the Director of the Utah Law Enforcement Planning Agency and the Utah Law Enforcement Planning Council.
2. Tenure of Office: Standards and Goals Task Force Chairmen shall serve in this capacity for the duration of the Standards and Goals Task Forces.
3. Duties of the Chairman: The Chairman shall preside at all meetings of the Task Force, and shall provide the general direction of the meeting as follows:
 - a. To take the chair precisely at the hour for which the meeting of the Task Force has been called.
 - b. To announce the business before the Task Force in the order in which it is to be acted upon.
 - c. To receive and submit in proper manner all propositions presented by the members of the Task Force.

- d. To put to vote all questions which are properly moved, or which necessarily arise in the course of proceedings and to announce the result thereof.
 - e. To inform the Task Force when necessary, or when referred to for that purpose, on any point of order or practice.
 - f. To authenticate by his signature when necessary, or when directed by the Task Force, all resolutions, acts, orders and proceedings of the Task Force.
4. Temporary Chairman: In the event of the absence of or disability of the Chairman, the Chairman shall appoint a temporary Chairman to serve until the Chairman so absent shall return. In such an event, the temporary Chairman shall have all of the powers and perform the functions and duties herein assigned to the Chairman of the Task Force.
5. Chairman May Call Member to Chair: The Chairman or any other member of the Committee who may be acting as Chairman at a meeting may call any member to chair the meeting temporarily. Such a member shall be vested with all the powers of the Chairman while so presiding. Such a substitution shall not extend beyond adjournment.

SECTION B. MEMBERSHIP OF THE STANDARDS AND GOALS TASK FORCES

1. Task Force Composition: Five Task Forces shall be established: Police, Judicial Systems, Corrections, Information Systems, and Community Crime Prevention. Members shall be appointed by the Governor and selected from criminal justice professionals, citizens, and policymakers.

2. Duties of Standards and Goals Task Force Members:

- a. Task Force members will review Criminal Justice Standards and Recommendations.
- b. Task Force members shall make recommendations to the Utah Law Enforcement Planning Council (hereinafter referred to as LEPC), and the Law Enforcement Planning Agency (hereinafter referred to as LEPA).

SECTION C. THE STAFF PARTICIPATION

1. The LEPA shall provide a secretary for the Task Force.
2. The LEPA shall have the following duties:
 - a. The LEPA Director and all other staff members concerned with Standards and Recommendations being reviewed will be present at the Task Force meetings and bring to the attention of the Task Force all messages and other communications from other sources.
 - b. Keep minutes of the proceedings and file the same.
 - c. Keep and maintain a permanent record file of all documents and papers, pertaining to the work of the Council and maintain an index of all files.
 - d. The staff shall assist the Task Force Chairman by:
 - 1) Presenting standards and recommendations to the Task Force for their consideration.
 - 2) Submission of standards and recommendations and staff evaluations at least two weeks prior to designated meetings.

- 3) The Standards and Goals Task Force agenda will be sent to each Task Force member for their information prior to each Task Force meeting.
 - 4) Minutes of Task Force meetings will be forwarded to all Task Force members.
- e. Perform such other duties as may be required by the Task Force.

ARTICLE II. MEETING PROCEDURE

SECTION A. MEETING TIME

The Standards and Goals Task Forces shall convene, depending upon workload, a maximum of once each month and a minimum of at least once each quarter.

The designated meeting time shall be at the discretion of the Chairman.

SECTION B. ATTENDANCE AT THE MEETINGS

1. Quorum: Shall be established at the discretion of the Chairman, but designated alternatives must replace absentees.
2. Alternates shall be designated by the Chairman (if he so desires) to serve in the case of absence of a Task Force member. Alternates shall have all of the powers and perform the functions and duties herein assigned to the members.

3. Notification of Alternates: It is the duty of the formally constituted members to notify the alternate regarding an inability to attend. Confirmation of the required action should be brought to the attention of the director of LEPA by the respective member.

SECTION C. DUTY TO VOTE

The Chairman and every member present at a meeting where a vote is taken on any proposal shall vote thereon unless excused. A member desiring to be excused from voting may make a brief statement giving the reasons for making such a request and the question of excusing him shall then be decided by a vote of the other members of the Task Force without debate.

SECTION D. THE VOTE

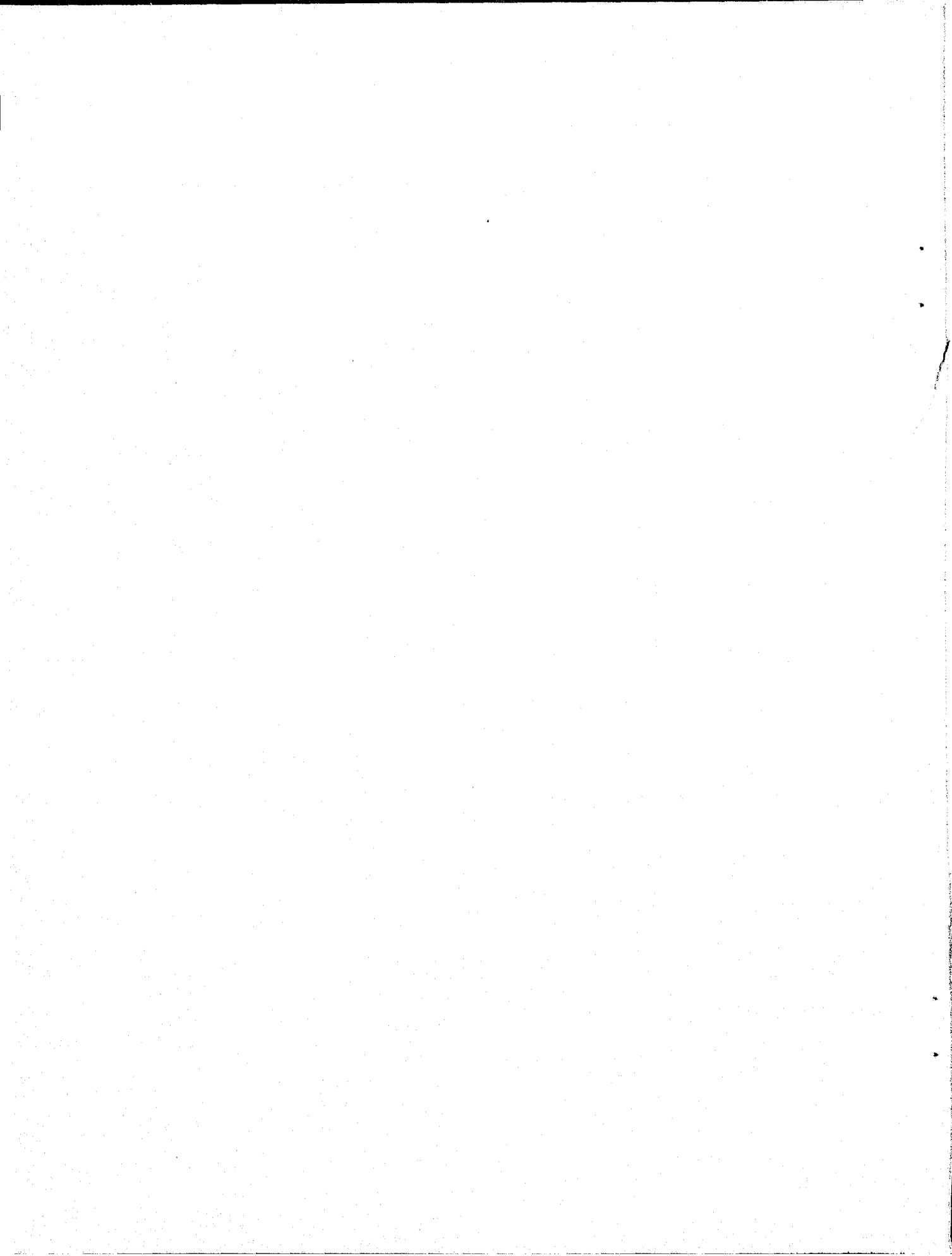
In the event of a tie vote, the decision shall be determined at the next regularly scheduled meeting of the Task Force.

SECTION E. TENURE

Members of the Standards and Goals Task Forces shall serve for the duration of the project.

SECTION F. AMENDMENTS

A two-thirds majority vote is required for amendment approval to the Standards and Goals Task Force Bylaws.



Appendix D

SAMPLE STAFF BACKGROUND REPORT

Appendix D

SAMPLE STAFF BACKGROUND REPORT

STANDARD 7.1: DEVELOPMENT PLAN FOR COMMUNITY-BASED ALTERNATIVES TO CONFINEMENT

STANDARD

Each State correctional system or correctional system of other units of government should begin immediately to analyze its needs, resources, and gaps in service, and to develop by 1978 a systematic plan with timetable and scheme for implementing a range of alternatives to institutionalization. The plan should specify the services to be provided directly by the correctional authority and those to be offered through other community resources. Community advisory assistance (discussed in Standard 7.3) is essential. The plan should be developed within the framework of total system planning discussed in Chapter 9, "Local Adult Institutions", and State planning discussed in Chapter 13, "Organization and Administration."

Minimum alternatives to be included in the plan should be the following:

1. Diversion mechanisms and programs prior to trial and sentence.
2. Non-residential supervision programs in addition to probation and parole.

3. Residential alternatives to incarceration.
4. Community resources open to confined populations and institutional resources available to the entire community.
5. Pre-release programs.
6. Community facilities for released offenders in the critical reentry phase, with provision for short-term return as needed.

NATURE OF THE STANDARD

Historically, society has tried many ways to deal with the criminal from physically banishing, punishing, or killing the offender to an artificial banishment or civil death through incarceration. Recently, it has been noted that the benefits of the penitentiary are transient at best. The philosophy of incarceration has changed to: Incarcerate only when nothing less will do and then incarcerate as briefly as possible. The result of this philosophical change is the development of many kinds of community-based and community-oriented programs. Most of these programs began because someone in a correctional agency was interested in

developing a program and/or grant funds were available or a specific type program.

This Standard suggests that the current array of programs should be analyzed to find the needs, resources, and gaps in the State correctional system. As a result of this analysis, a systematic plan with a timetable and scheme for implementing a range of alternatives to institutionalization would be developed, hopefully by 1978. This plan should be conducted within the framework of total system planning suggested in Standard 9.1 and the long-, intermediate- and short-range planning and budgeting suggested in Standard 13.2. It should specify those services to be provided by the correctional agency directly and those offered through other community resources. The plan should address the following as a minimum:

1. Diversion prior to trial and sentence.
2. Non-residential supervision programs in addition to probation and parole.
3. Residential alternatives to incarceration.
4. Bridges between the inmate confined to the institution and the community.
5. Pre-release programs.
6. Community facilities for released offenders during reentry, with provisions for short-term return as needed.

OTHER RELATED STANDARDS

The ACA Standards do not address this Standard directly. They do support a central organization with responsibility for planning and research, which would include an analysis of needs, resources, and gaps in service. They do not address diversion programs nor non-residential supervision programs other than probation and parole. There is a chapter each on jails, community correctional institutions, camps, probation, parole and other pre-release programs, community correctional centers (i.e., halfway houses), and sections on volunteer programs and institutional programs. It does not address the idea of short-term return rather than incarceration.

The President's Commission advocates the use and development of many alternatives to institutionalization, as well as smaller, community-based institutions and programs to reintegrate the offender. Diversionary programs, as defined in the Standard, are not addressed. It does suggest that those awaiting trial be housed separately from convicts. Expanded diagnostic and screening programs are advocated. They advocate the integration of local jails and misdemeanor institutions into the State correctional agency. Otherwise, there is no mention of system-wide planning.

A Time to Act suggests that future correctional facilities should be located near centers of business, commerce and education in order to facilitate linkages between offenders and the community and its resources.

It further suggests the use of other resources available in the community.

The Manual on Jail Administration has a chapter on community release programs, which supports the idea of community resources being open to the confined population, work release, and other programs designed to reintegrate the offender. It also suggests that a separate facility should be used for those involved in these type programs. Another chapter supports bringing community resources into the jail. Both types of programs should be well planned before they are begun, but how they fit in with the larger planning is not addressed. The remainder of the Standard is not addressed.

UTAH STATUS AND COMMENTS

There is no one agency or mechanism in Utah, other than ULEPA, to coordinate and prepare a plan as suggested in this Standard. There are so many correctional agencies in Utah that no one agency has the responsibility for preparing a plan which would include all of the alternatives specified. As a result, there has never been a comprehensive study like that suggested in the Standard.

There have been many studies which have analyzed the needs, resources, gaps, and duplications of Utah's juvenile correctional services. These studies have specified methods of implementation; however, implementation has been slow. The

most recent analysis was the Beaser Report and the Juvenile Justice Committee Report, which suggested ways to implement its recommendations.

Several counties have recognized that their jails are nearly, or already are, overcrowded. As a result, they have conducted feasibility studies to assess correctional needs for both facilities and programs--the building of a new jail or additional jail space or if there are other ways to relieve the overcrowding. Even where these studies have been as comprehensive as this Standard suggests, they have not considered the coordination between the Division of Corrections and the county correctional system. In the last year, Utah County and Salt Lake County have completed such studies.

Each of the suggested alternatives is discussed below in terms of what Utah now has available. Because Utah is such a small state, some agencies provide more than one of the alternatives. For example, the halfway houses in Utah provide both halfway-in (paragraph 3) and halfway-out (paragraph 5) services.

1. Diversion. Diversion takes place at few points in the criminal justice system. In most cases, there is no formal program to divert the offender into, and they are released without any further services. There are few formal programs.

a. Juvenile: There are more formalized methods of diverting a juvenile than an adult. As a result, diversion is used more often for a juvenile.

Youth service bureaus/youth service systems have been, and are being, developed in Salt Lake, Weber, Carbon, and Grand Counties. Each is a locally-developed group, which acts as a crisis intervention and referral agency for juveniles. They accept referrals from parents, school, police, Juvenile Court, and self-referrals. Youth service bureaus are covered more fully in Chapter 3, "Youth Service Bureaus: A Model for the Delivery of Social Services" in the Community Crime Prevention Report.

Most of the large police departments and sheriff's offices have a youth bureau to handle juvenile-related crimes. They may decide to refer the juvenile to Juvenile Court or not. They may also refer the juvenile to a youth service bureau or some other non-criminal justice agency.

The Juvenile Court intake has diverted juveniles under Section 55-10-83, which states:

"(1) Proceedings in children's cases are commenced by petition.

"(2) Whenever the court is informed by a peace officer or any other person that a child is or appears to be within the court's jurisdiction, the probation department shall make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken.

"On the basis of the preliminary inquiry, the court may authorize a petition to be filed, or the court may, through its probation department, make such non-judicial adjustment of the case as is practicable without a petition, provided that the facts are admitted and establish prima facie jurisdiction, and provided that consent is obtained from the parents or other custodian and also from the child if of sufficient age and understanding. Efforts to effect such non-judicial adjustment may not extend for a period of more than two months without leave of a judge of the court who may extend the period for an additional two months. The probation department is not authorized in connection with any non-judicial adjustment to compel any person to appear at any conference, produce any papers, or to visit any place."

b. Adult: There is no formal diversionary law for adults like the one quoted above for juveniles. However, diversion does take place on an informal basis. The police officer may choose to arrest or charge an offender. The county attorney has the option to prosecute or not. These are decisions made prior to trial, which may divert an offender from the criminal justice system completely. There is additional information concerning police and court diversion in the Police Report and the Courts Report, and Chapter 3, "Diversion" of the Corrections Report. There are several programs which will

not divert the offender out of the criminal justice system, but may keep him in the community instead of incarcerating him prior to trial and sentence.

In Weber and Salt Lake Counties, there is a program designed to release people from the jail on their own recognizance. While these programs do not divert people from the criminal justice system, they do release people from jail while awaiting trial who might not be able to raise a money bail or hire a bail bondsman.

After an offender has been found guilty in a trial, the judge has three options: (1) sentence with no additional information, (2) sentence on the basis of a pre-sentence report, or (3) sentence on the basis of a report submitted as the result of a ninety-day diagnostic commitment to the Division of Corrections (Section 76-3-40 4 UCA, new Utah Penal Code). The third option has only been available since July 1, 1973. Most offenders are sentenced on the basis of a pre-sentence report. The pre-sentence reports and ninety-day diagnostic reports have tended to keep more offenders in the community instead of incarcerating them.

2. Non-Residential Supervision: Adult Probation and Parole has jurisdiction over all probationers (Section 77-62-29 UCA) and parolees from

the prison (Section 77-62-16 UCA). There are no parole services for those leaving jail.

Under the jurisdiction of the Board of Juvenile Court Judges and the general administration of the judge(s) in each district is a director of probation to supervise the work of the probation department (Section 55-10-73 UCA). The State Industrial School is allowed to place children outside the school without losing legal custody, unless they are otherwise discharged (Section 64-6-8 UCA), which allows their aftercare (juvenile parole) system.

In Utah, a client receives non-residential supervision only through Adult Probation and Parole, Juvenile Court, or the State Industrial School aftercare system. Any other such services as suggested by this Standard are coordinated by these agencies (i.e., the supervising agency brokers the client into other services).

3. Residential Alternatives: Utah has a large number of different types of residential alternatives to incarceration which may be used prior to incarceration, as a pre-release program, or after incarceration, depending upon the need of the offenders. They include:

a. Shelter Care: Used for children waiting for a Juvenile Court hearing who do not need the secure custody of a detention center, but cannot stay in their own home for

some reason. The Division of Family Services contracts with families to take these children, and they are paid on a per day basis.

b. Foster Care: Used for those children the Juvenile Court takes custody away from their parents who can function in a family situation and do not need the secure custody of the State Industrial School. The Division of Family Services also contracts with families for this service on a daily basis.

c. Group Homes: Facilities for up to 12 children, in contrast to shelter and foster care homes which may take only up to three children. Children placed in a group home are generally older and cannot function in a foster care situation, but still do not need the secure custody of the State Industrial School. Services for children placed vary from a set of parents with some social work services provided by the Division of Family Services, to a very complex network of social workers, psychologists, psychiatrists, etc., provided by the home. Most of the services provided to the child are in the community (e.g., school, medical, etc.). Some group homes are direct alternatives to the State Industrial School. The child is placed by the Division of Family Services in the home appropriate for his needs on a contract basis after they have licensed the home. As of March 1, 1974, the Division of Family Services also operated three group homes.

d. Halfway Houses: Three halfway houses--two in Salt Lake City and one in Ogden--are now being operated by the Division of Corrections. All three are used as halfway-in (i.e., placed there as a condition of probation rather than being committed to the Prison), halfway-out (i.e., placed there as a part of a pre-release program), or in lieu of violating a parole and returning to Prison alternative. The Salt Lake City houses have tended to concentrate as either halfway-in or halfway-out houses. Almost all of the services provided come from the community.

The Division of Corrections and the Division of Family Services contract with many private outside agencies and other State agencies to provide other types of treatment programs for individuals needing them. For example, there are contacts with alcohol and drug treatment programs YWCA, and the State Mental Hospital. The Division of Corrections is also currently developing an adult foster care program for the women at the Prison, with the help of the Division of Family Services.

4. Bridges Between the Inmate Confined in the Institution and the Community: There are a multitude of these programs in the Prison, the State Industrial School, and some detention centers. Generally, the jails do not have any of this type of program. These programs are discussed in more detail in Corrections Standard 7.2, "Marshalling

and Coordinating Community Resources," Standard 9.9, "Jail Release Programs," and Standard 11.3, "Social Environment of Institutions."

5. Pre-Release Programs:

a. Juvenile: Since the detention centers are designed only for juvenile pre-hearing confinement, they do not have any pre-release programs. The State Industrial School has a pre-release program which allows the child to return home for short visits before being allowed to return home and under the aftercare program.

b. Adult: The jails do not generally have a pre-release program, although some do have programs allowing the inmate into the community, which may allow him to make or continue contact with the community. The Prison has a large number of pre-release programs, depending upon the offender. Approximately 80% of those released are involved in some type of residential alternative to incarceration, which were discussed under paragraph 3 above. Most of them have their own pre-release program designed to ease the offender back into the community. The remaining 20% are released from the Prison directly. These people may or may not already be involved in some type of work release or school release program. Approximately one week prior to release, there is a formal pre-release program.

Not all those to be released attend because they are involved in some residential program.

6. Community Facilities for Released Offenders in the Reentry Phase, With Provision for Short-Term Return, as Needed: Most of the residential programs discussed under paragraph 3 above have this in their reentry programs. One of the specific functions of the halfway houses is short-term return instead of return to the Prison. The aftercare program at the State Industrial School is also designed for this function.

STAFF RECOMMENDATION

Adopt as written.

METHOD OF IMPLEMENTATION

The implementation study for Standard 16.4, "Unifying Correctional Programs," should specify the services that each correctional authority should be responsible for providing. The possibility of using private and contract services should not be excluded.

The Governor should specify by an Executive Order an agency to provide the kind of master planning for all correctional agencies that this Standard suggests, until the unified corrections study is completed.

Each correctional agency should continue to do the kind of needs assessment and planning suggested in this Standard within its own statutory authority.



END