

Utah's Prosecutors - Innovative Programs -

National Prosecutors' Consortium



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The Evolving Role of the Prosecutor

Over the last forty years, there has been a dramatic transformation and expansion of prosecutors' mission, to not only vigorously prosecute criminal cases, but also to engage in crime prevention, problem solving and community partnerships. Prosecutors' fundamental goal is to protect the community and ensure justice when enforcing the law. Traditionally, a prosecutor's role was a limited and relatively passive one - to evaluate and prosecute arrests made by the police.¹ That role has expanded and evolved significantly. The shift is driven by the need for more complex solutions that not only seek positive outcomes for victims, but also strive for long-term solutions for preventing crime and assisting those who are entangled in the criminal justice system.

Prosecutors are uniquely situated to be effective in carrying out these new initiatives. They play a pivotal role in the criminal justice system, making decisions and exercising discretion about whether to prosecute, whom to prosecute, and how to prosecute. Also, as leaders in law enforcement, prosecutors can work with the police and other partners to improve community relationships and to build trust in the criminal justice system.



1. Catherine M. Coles, *Evolving Strategies in 20th- Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR, 182-187* (John L. Worrall & M. Elaine Nugent-Borakov, eds., 2008).

The National Prosecutors' Consortium

The National Prosecutors' Consortium (NPC) project is designed to collect information on innovative programs employed by prosecutor offices, to assist prosecutors in developing and deploy-

ing new programs, and to expand their research capabilities. The main areas of focus are the prevention of violent crime, community engagement, and encouraging victim/witness cooperation.

Many of the nation's prosecutors relish the opportunities presented by their expanded roles in the criminal justice system and have adopted innovative programs. However, the nature of their new initiatives is impacted by the size and resources of the organization. A large office with plentiful resources can implement multiple forward-thinking initiatives that impact a large segment of their population. Conversely, a smaller jurisdiction may only have the capacity to develop a smaller, yet still meaningful initiative.

Innovative programs described in this paper are newly developed initiatives undertaken by an office in keeping with its unique resources and the needs of its community. Ideas for new programs are freely shared amongst prosecutors and can nevertheless be innovative when they are introduced, implemented, and customized to suit the needs of a particular office. For instance, a program that would be considered innovative in a smaller office, may be more common-place in a larger office. We seek to highlight those offices that are embracing their new role by working within their capacity to bring effective and proactive programs to their communities.

As part of the NPC project, a prosecutor survey was administered during 2019 at the county level across the United States on a state-by-state basis. The survey captures baseline information about prosecutor offices and collects information about the various evolving and non-traditional aspects of a prosecutor's office, such as alternatives to incarceration, preventing violent crime, community outreach, victim/witness support, and treatment programs.



Overview of Utah Prosecutor Programs

Utah prosecutor offices range in size and in the types of communities that they serve. Some serve in large bustling cities like Salt Lake City and others work in suburban districts or rural areas. The available resources and staff vary greatly between the offices, as does the needs of their communities.

Out of 35 counties, 17 (49%) of the prosecutors in Utah participated in the NPC survey.² The survey demonstrates that the responding Utah prosecutors participate in a wide variety of programs and initiatives. These programs include Drug courts, drug treatment, Community service,

Victim Assistance, and Co-located Child Abuse reduction programs.

The survey found that 71% of Utah’s responding prosecutors engage in problem solving courts or other programs that offer alternatives to incarceration. Prosecutors provide Community service (65%), drug treatment (65%), and anger management (53%). Many offices also provide Victim Assistance (82%) and Victim Services without Arrest (71%).

Community programs that prosecutors either run or participate in are also common, with over half of prosecutors participating in co-located child abuse reduction programs (59%) and just under half involved with co-located domestic violence (41%) reduction programs. Some offices reported participation in Youth Education (24%), Adult Education (24%), and Neighborhood Courts (24%).

2 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.

Innovative Programs - Examples

To demonstrate the variety of innovative programs initiated in Utah, three offices are highlighted: Salt Lake, the largest county with over 1.1 million residents; Washington, a small county with just over 165,000 residents; and Kane, the smallest of the group with just over 7,500 residents.

Salt Lake County runs a multitude of programs including a Veteran’s court, expungement services, Conviction Integrity Unit, and a camp for abused children. Washington County recently implemented a forensic interview program to better serve victims of sexual assault. Kane County runs a treatment-focused, intensive probation program to help alcohol and drug dependent offenders achieve self-sufficiency and sobriety after sentencing.

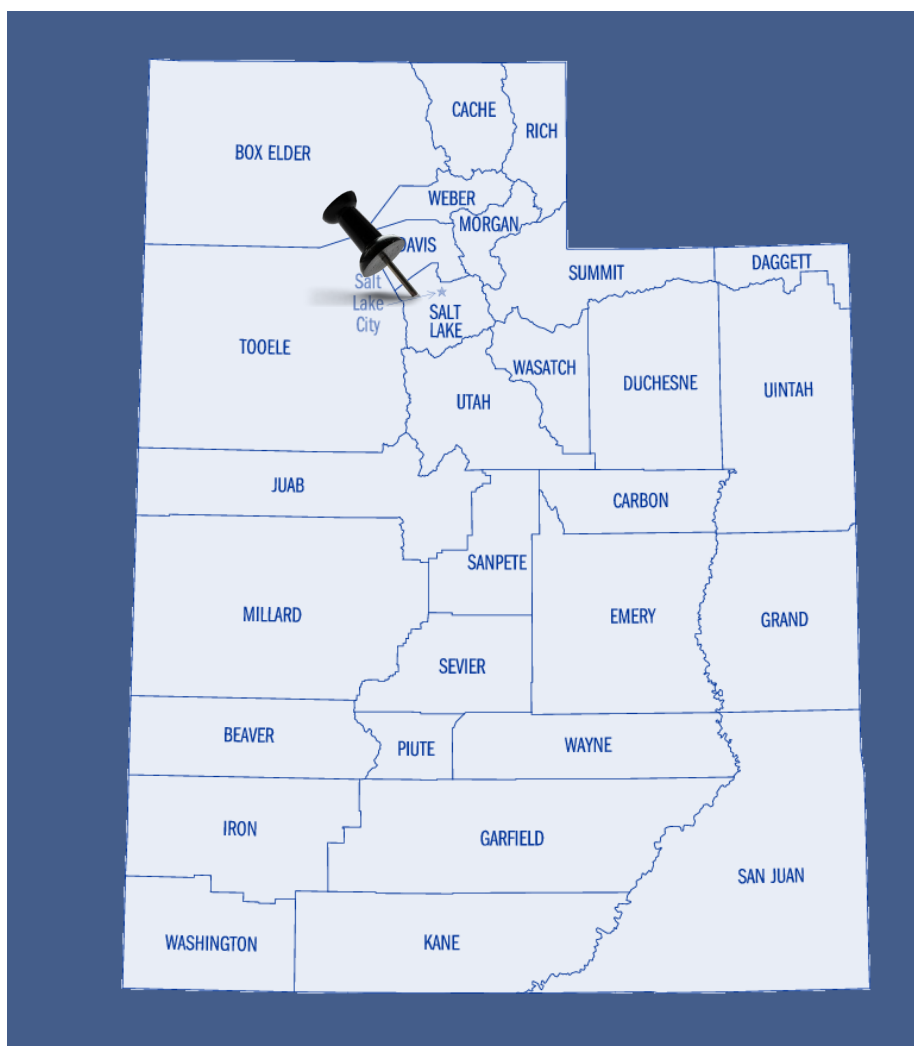
Salt Lake County District Attorney's Office

Population: 1,152,633

Number of Prosecutors: 139 full-time prosecutors

Multiple Innovations and Programs

Veteran's Court- The Salt Lake County District Attorney's Office was a founding partner of the Third District Veteran's Treatment Court, the first therapeutic justice felony treatment court for veterans in the state. Since 2015, Veteran's Court has utilized resources from the Veterans Administration to offer mental health and substance abuse treatment, medical care, housing, counseling, vocational rehabilitation, and a support group designed to help veterans involved in the criminal justice system to recover and succeed. Veteran's Court relies on the collaborative efforts and resources of the courts, the Salt Lake Legal Defender, Utah State government programs, Salt Lake County Criminal Justice Services, Unified Police Department, Adult Probation and Parole, the District Attorney's Office, and the Veterans Administration, who all work together to help veterans restore their honor, overcome struggles with addiction and mental health issues, and again become productive citizens who contribute to their communi-



ties. A key element of the Court's success is the Volunteer Mentor Corp, a group of dedicated, selfless veterans who befriend and support program participants and offer a shoulder to lean on as their veteran brothers and sisters recover and succeed.

Since 2015, more than forty veterans have graduated from the program. Upon the successful completion of the program, many otherwise debilitating criminal charges have been reduced or dismissed, allowing the successful graduates to find good jobs and housing. Victims of crime are involved in the process, and many public safety resources are utilized to provide the best chances for a successful outcome for all involved. The life-changing opportunities afforded by Veteran's Court benefit not only the veteran, but often also crime victims, families of veterans, and communities.

Diversion for Low Risk Offenders- In 2019, Criminal Justice Services and the District Attorney's Office began a diversion program that emphasizes treatment before incarceration for low risk offenders. In order to curb mass incarceration, they recognize that they must first slow down entry to the criminal justice system. Opposed to simply not charging low-level offenders, the District Attorney's Office seeks to intervene with treatment. Without intervention, the community and the individual are left without proper support to address the underlying issue. Public safety is always a priority, so those offenders who commit sex crimes, DUIs, violet offenses, or domestic violence are not eligible for the program.

Conviction Integrity Unit- On October 8, 2018, the District Attorney's Office launched a Conviction Integrity Unit (CIU). While many District Attorneys' Offices across the country have CIUs, Salt Lake County's is particularly unique in that it makes the CIU's findings public regardless of the decision. The CIU committee is comprised of experts with diverse professional backgrounds that do not work for the District Attorney's Office. Both features ensure accountability and transparency to ensure public trust.



Expungement Day- Every six months the District Attorney's Office joins the Salt Lake County Criminal Justice Advisory Council to host an Expungement Day. Salt Lake County's Summer 2019 Expungement Day was held on June 26th, 2019 at the Utah Law and Justice Center. Utilizing the volunteer services of 63 attorneys from the Utah State Bar Litigation Section, as well as expert assistance from approximately 50 community partners, they provided expungement-related services

for over 348 individuals. Additionally, 223 Applications for Criminal Record Expungement were completed to send to the Bureau of Criminal Identification (BCI) for eligibility determination. Demand for the program was so high that many unscheduled walk-ins were unable to be seen, with 564 people interested and placed on a wait list for the next event in November.

The 348 participants served were surveyed at check-in. Over three quarters of those who attended (78%) had not previously tried to expunge their record. When asked why, 91% of attendees had not done so due to the cost or because of the complicated nature of the law. Over half of the individuals (56%) stated that the primary reason they wanted to seek an expungement was to get better access to employment opportunities, and 75% of attendees said their record has been a barrier to stable employment. Only 54% of attendees had a full-time job, with 10% working part-time, and 36% currently unemployed. Of the 348 individuals, 52% provided services claimed that their criminal record has been a barrier to obtaining stable housing.

The next Expungement Day occurred in November 2019. At Phase Two, certificates of eligibility from BCI were distributed to the successful applicants from the Summer Expungement Day, and assistance in preparing the needed petition paperwork and filing with the appropriate courts was provided. At that time, a Phase One event was also offered for the 564 individuals placed on the wait-list.

Camp Hope- The District Attorney's Office signed an agreement with the Alliance for Hope to develop a CAMP HOPE AMERICA – UTAH. The Office is currently developing the program that involves therapeutic camping for abused children and plan to host the first camp in the summer of 2020. They have already received several grants and much community support for the program.



Washington County Attorney's Office

Population: 165,859

Number of Prosecutors: 12 full-time prosecutors

Shared Adult Forensic Interviewer (SAFI) Program

The Washington County Attorney's Office is in the beginning phases of implementing a critical program that will likely be a model for the rest of the state. With grant funding awarded in September 2019 from the Department of Justice's Office of Violence Against Women, they will implement the SAFI program in order to produce a county-wide trauma informed interview protocol based on the neurobiology of sexual assault trauma.

The SAFI program will have a dedicated forensic interviewer to conduct forensic interviews of all sexual assault victims in Washington County using trauma-informed techniques. All of the County's municipal police agencies will utilize the SAFI interviewer and follow the SAFI protocol. The SAFI program will engage police, victim advocates, Sexual Assault Nurse Examiners (SANE nurses), and prosecutors to collaborate in a multi-disciplinary effort to minimize secondary trauma and provide for victims' needs. Additionally, the SAFI program will train first responders how to appropriately respond to sexual assault victims, obtain an initial victim statement, and initiate the SAFI protocol.



The goal of the program is to improve prosecution rates while reducing secondary trauma for victims. Victims will benefit from collaborative support of the criminal justice partners and from more offenders being held accountable.

The project's partners include: Washington County, Utah; the DOVE Center; Southwest SANE II; St. George, Dixie State University, Hildale, Hurricane City, Santa Clara/Ivins, La Verkin City, Springdale, and Washington City Police Departments; Washington County Attorney's Office; and Washington County Sheriff's Office.



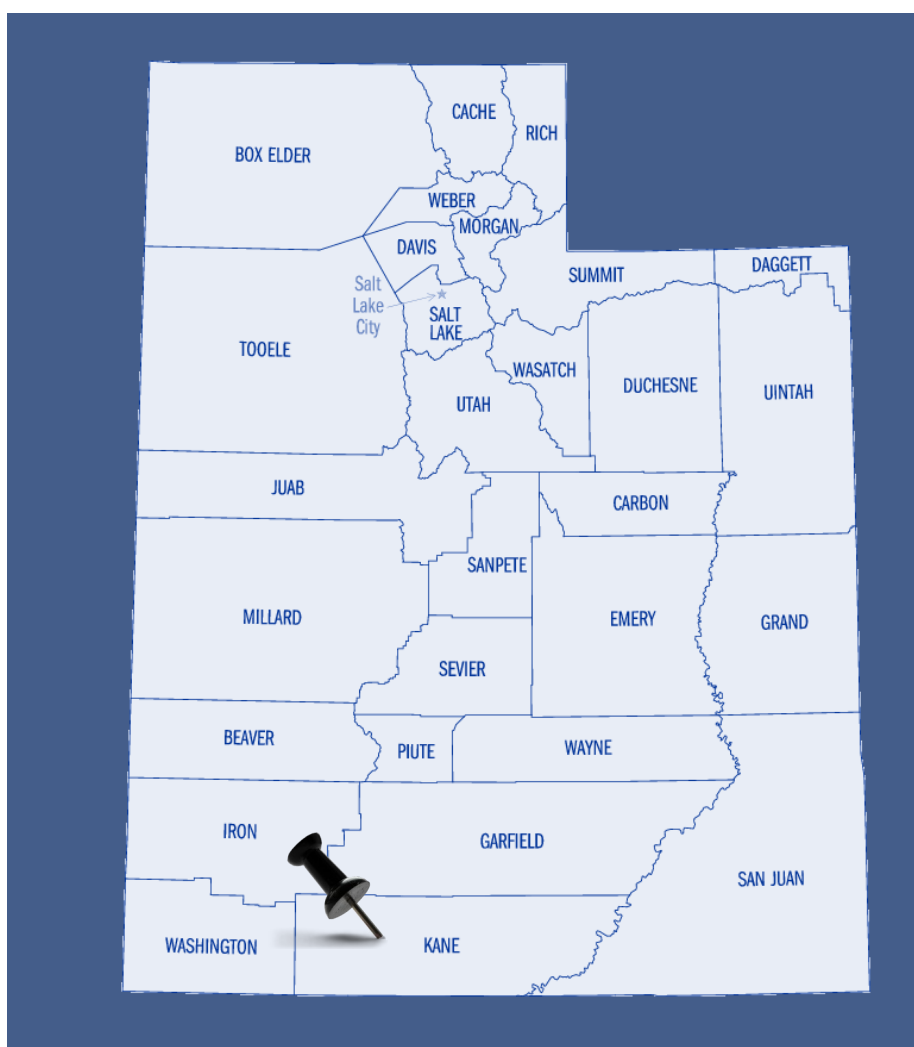
Kane County Attorney's Office

Population: 7,537

Number of Prosecutors: 2 full-time prosecutors

Community Recovery Program

Kane County has initiated a treatment-focused, intensive probation program to help alcohol and drug dependent offenders achieve self-sufficiency and sobriety after sentencing. The program serves between 10-20 individuals and lasts approximately 6 to 12 months, providing therapeutic services to offenders who have been sentenced to 12 to 18 months of “Intense Bench” probation. This represents a higher level of supervision, as under typical bench probation, the probationer does not have a probation officer and essentially only reports to the court at the court’s request. Under “Intense Bench”, though the probationer still does not have a probation officer, they are required to meet with a case manager in the County Attorney’s Office once per month to review their progress; they are subject to random drug testing; and local police officers can conduct home visits when necessary.



Program candidates are first screened for risk of recidivism, substance abuse, and their need level using the Risk and Need Triage (RANT) scale. Once approved for the program, participants then meet with a therapist free of charge to complete a more in-depth substance abuse evaluation specific to his/her individual life circumstances.



Subsequently, participants are assigned a therapist who works with them to create and ultimately complete an individualized treatment plan. The plan details the specific requirements of the participant's program, which typically includes meeting at least once per week with the therapist for counseling, attending groups throughout the week, participating in bi-weekly meetings with the case manager, and attending one weekly group Moral Reconciliation Therapy (MRT) meeting. This is an evidence-based cognitive behavioral intervention that can be taught by a case manager or volunteer as opposed to a therapist. Random drug testing is also a part of the program and usually begins immediately, at a frequency of at least two drug tests per week. Weekly attendance at community AA or NA meetings may also be mandated.

The participant's progress in his/her recovery plan is overseen by a team consisting of the County Attorney, therapist, bench probation tracker(s), and coordinator. This team meets twice a month to review the participant's progress and propose sanctions or other actions to improve outcomes.

Depending upon individual circumstances, family counseling, anger management, and/or trauma-focused or domestic violence interventions may be incorporated into the treatment plan. Furthermore, a Clinical Case Manager may work individually with participants on job placement, life skills, debt and budget structuring, Medicaid access, and/or high school/GED education enrollment.

The objective of the Community Recovery program is to meet clients where they are in their own recovery process, and structure the most useful and person-specific interventions to help them achieve their goals. The greatest success seen to date is the reduction in time between arrest and the beginning of treatment. In the past, this could take six months or more. Under the Community Recovery Program, a person can enter into treatment within one or two months of arrest and sometimes even within one or two weeks.