

**Salt Lake County Auditor's Office**

Craig B. Sorensen, *AUDITOR*



David L. Beck  
*Chief Deputy*

June 18, 1998

David Marshall, Chief of Staff  
Salt Lake County Commission  
2001 South State Street, Suite N2100  
Salt Lake City, UT 84190-1000

*Salt Lake County  
Government Center  
2001 S. State Street  
Suite N2200  
Salt Lake City  
Utah 84190-1100  
Tel (801) 468-3381  
Fax (801-468-3296*

Dear David:

In response to your request, we have conducted an analysis of the Salt Lake County Justice Court's caseload. Our analysis was designed to address the issues outlined in your April 20th letter to us. The results of this evaluation indicate that:

- C The Salt Lake County Justice Court is currently one of the busiest justice courts in the County.**
- C The annexation of the Union area into Midvale has had no impact on the County court's caseload.**
- C The impact, if any, of a proposed Holladay/Cottonwood incorporation would not occur until at least two years after the incorporation actually happens.**
- C The transfer of cases to the new Taylorsville court will have a significant impact on the County court's caseload.**

**The Salt Lake County Justice Court is currently one of the busiest Justice Courts in the County.** We compared the County judges' workload for 1997 and 1998, projected for the full year, to that of the other justice court judges in the County. Only those charges with which the judges are involved were considered. It should be noted that the Salt Lake City, West Valley City, and Murray courts are not included in our data set and analysis because they do not have separate justice courts. Their justice court type cases are handled by the Third District Court at each of those locations. Although West Jordan does have a justice court, it was not included because its caseload information was not available.

Some courts, such as the County's, have multiple judges while others have less than a David full-time judge. For comparison purposes, we interpolated the number of charges dealt with in each court to the amount that would have been handled by one full-time judge. The results of that comparison put the Salt Lake County judges well below average in relation to the other high caseload courts in the County. (See enclosure one)

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However, the County disposes of a much higher percentage of its charges through trials than any of the other justice courts. Trials take considerably longer than other disposition methods such as guilty pleas or dismissals.

The higher incidence of trials in the County Justice Court occurs because of several factors. The biggest contributing factor is likely the higher number of criminal charges, as opposed to traffic charges, that come into the County court. Defendants are more likely to plead not-guilty and move into the trial phase if they're charged with a criminal offense. In 1997, 32.2% of the charges disposed of in the County Justice Court were for criminal offenses, while this percentage for the other seven courts averaged 21.4.

Through observations of court proceedings and interviews with the judges, we developed estimates of the time associated with the major charge disposition methods, including trials. We then applied these time estimates to the number of charge dispositions in each category for each court. The result is an estimate of the time one full-time judge spends on the bench in court proceedings in each court.

Most of the remaining time judges have is spent reviewing the files of people that have already been sentenced. The purpose of this review is to determine if the terms of the sentence are being complied with. If not, the judge must decide whether to order a bench warrant. The number of charges that need to be reviewed depends on the number of sentences issued by the court. Sentences are made on all guilty pleas and trial convictions. The time available to accomplish this review task depends on the amount of time spent in actual court proceedings, as described above.

We calculated the amount of time available per one full-time judge to review previously issued sentence files. We then divided that time by the number of guilty pleas and trial convictions per judge to determine the available review time per charge. This calculation combined with the estimate of time judges spend in court proceedings is a more accurate depiction of the activity level of justice court judges. This information is presented in Table 1 on the next page.

Our analysis indicates that the County Justice Court is among the busiest in the County. Of the four highest caseload courts, the County court is somewhat above average with respect to time spent on the bench. It is also above average with regard to time available for review of previously issued sentences. Available review time is driven up by lower amounts of guilty pleas and a higher percentage of trial acquittals when compared to the other top three courts, which makes for fewer charges to review.

As stated earlier, the 1998 data is a full year projection based on the first three month's data. Charges disposed are projected to be lower at some courts, including Salt Lake County's. This is so even though charges filed are expected to be higher than 1997's. The primary reason for this is an increase in the number of people failing to appear to resolve charges against them. When this happens a "Warrant of Arrest" is issued to ensure the defendants appearance and an additional charge called "Failure to Appear" is added to their case.

The result will be an increase in the number of charge dispositions at some point, as more and more of those people that originally did not appear come in and resolve the charges against them. There are reporting inconsistencies with respect to "Warrants of Arrest" and "Failure to Appear" charges from one court to another. Therefore, we were not able to consider these factors in our comparison. However, because of the sharp increase in these areas from 1997 to 1998, the 1997 data may be somewhat more valid than 1998's.

	1997	1997	1998	1998
Court	Bench time per one full-time judge for the year. (In hours)	Time per charge available to review past sentences for compliance. (In minutes)	Bench time per one full-time judge for the year. (In hours)	Time per charge available to review past sentences for compliance. (In minutes)
Sandy	1479	6.7	1346	7.0
<b>S.L. County</b>	<b>1425</b>	<b>9.0</b>	<b>1168</b>	<b>15.9</b>
South Jordan	1352	5.5	1011	8.3
South Salt Lake	1243	7.0	1114	6.9
<i>Average of the top four courts</i>	<i>1376</i>	<i>7.05</i>	<i>1160</i>	<i>9.5</i>
Alta	359	45.4	1006	19.2
Draper	253	49.3	245	43.4
Midvale	246	34.9	632	18.9
Riverton			573	36.4
Bluffdale	92	123.6	53	213.2

*Table 1. Salt Lake County's Justice Court judges' current workload is one of the highest in Salt Lake County.*

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**The annexation of the Union area into Midvale has had no impact on the County court's caseload.** To help us analyze the impact of losing certain areas of the County to other courts, we obtained statistics from the Sheriff's Office as to the number of citations they issued by patrol areas in 1997 and 1998. This information can be used as a valid predictor of the impact on the County court because 75-80% of all charges handled by the court come from the Sheriff's Office.

For comparison purposes, we projected data from the first four months of 1998 to the end of the year. Based on the projection, charges from the Union patrol area will be down by about 1300 in 1998. This will occur because of the annexation of most of the patrol area into the city of Midvale. However, charges from the unincorporated area of the entire South Patrol, of which Union is a part, will be up by about 750 in 1998. Much of this can be attributed to natural growth and overall factors such as road construction. County-wide, Sheriff's citations are projected to be up by about 13.5% in 1998.

Another likely reason has to do with the Sheriff's Office coverage of the South Patrol area. Even though most of the Union patrol area is now covered by Midvale City police, instead of the Sheriff, roughly the same number of Deputies are working the South Patrol. This allows them to provide more extensive coverage to the remaining South Patrol locations. The result of this is evidenced by a projected increase of almost 1800 citations from the two patrol areas geographically adjacent to Union, Cottonwood Heights and Butler. This increase alone more than offsets the loss of citations from the Union area.

**The impact, if any, of a proposed Holladay/Cottonwood incorporation would not occur until at least two years after the incorporation actually happens.** Current state legislation requires new jurisdictions to file for a justice court on or before July 1 at least two years prior to the date they want to start a court. If a Holladay/Cottonwood incorporation were to pass this fall, the city would probably commence operations sometime in 1999. Under that scenario, the earliest impact on the Salt Lake County Justice Court would not occur until two years from the city start date, or sometime in 2001.

**The transfer of cases to the new Taylorsville court will have a significant impact on the County court's caseload.** According to the statistics we obtained from the Sheriff's Office, 8,664 (24.97%) of the 34,696 charges they issued on citations in 1997 were from the Taylorsville patrol area. Through April of this year, 26.30% of Sheriff's Office charges were from citations issued in Taylorsville. Projecting this to a full year results in 10,557 charges from Taylorsville out of a total of 40,134 charges in 1998.

All charges from Taylorsville currently go to the County court but, as of July 1 of this year, they will be sent to the new Taylorsville Justice Court which begins operating on that date. Unlike the Union area, there will be no corresponding change in the police coverage in Taylorsville. The Sheriff's Office will continue to provide police protection to this area under the current contract through the end of 2000. This will prevent any increase in Deputies in the remaining areas of the West Patrol, such as that which occurred in the South Patrol. Likewise, it will prevent any related

increase in charges to replace those lost to the Taylorsville court.

As mentioned earlier, not all of the cases handled by the County Justice Court come from the Sheriff's Office. The majority of the remaining charges are issued by the Utah Highway Patrol (UHP). According to statistics obtained from the Salt Lake County Justice Courts, 75% of 1997 cases were from the Sheriff's Office and 17% from UHP. In 1998 the Sheriff's share increased to 80% while the UHP totaled 13%. Using these statistics, the total number of charges filed in the County court in 1997, and a projection of this for 1998, we calculated an approximate impact on the County court's caseload if we had not received the Taylorsville cases in 1997 and all of 1998, as follows:

	<u>1997</u>	<u>1998 (projected)</u>
Number of charges filed	45,165	48,392
% of charges from the UHP	<u>17%</u>	<u>13%</u>
Total charges to the County court from UHP	7,678	6,291
Assume 15% of those are from Taylorsville	<u>15%</u>	<u>15%</u>
Estimate of UHP charges from Taylorsville	1,152	944
Actual Taylorsville charges from the Sheriff	<u>8,664</u>	<u>10,557</u>
Approximate total charges from Taylorsville	9,816 (21.7%)	11,501 (23.8% of charges)

To complete the analysis of the impact of losing the Taylorsville charges, we reduced charges disposed by the percentages calculated above. Next, we applied the time estimate calculations, as described earlier, to the reduced amount of charges. Finally, we determined what the bench time and review time available per charge would be if there were three, three and a half, or four judges. The results are presented in Table 2 below:

	1997	1997	1998	1998
Number of proposed judges	Bench time per one full-time judge for the year. (In hours)	Time per charge available to review past sentences for compliance. (In minutes)	Bench time per one full-time judge for the year. (In hours)	Time per charge available to review past sentences for compliance. (In minutes)
Three	1488	7.4	1186	15.2
Three and a half	1275	13.4	1019	22.1
Four	1116	19.4	890	29.1

*Table 2. If the Taylorsville charges were not handled in the County court, three and a half would likely be the most appropriate number of judges to maintain.*

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These results can be compared to those from Table 1 on page 3 to assess the County court's comparative position if the Taylorsville court had already been operating. For 1997, leaving the level of judges the same as it is now would put the County court below the upper echelon of justice courts in the County. On the other hand, eliminating one full judge would make the County court arguably the busiest of all the courts, leaving little or no room for growth or margin for error in our estimates. While the 1998 data indicates that perhaps only three judges are needed, there is considerable uncertainty about the impact of increased failures to appear.

***RECOMMENDATION:***

Based on this analysis, it is our opinion that the retiring judge should be replaced by a half-time judge. We investigated the feasibility of recommending that this half-time position be that of a hearing officer, instead of a judge. Officially titled "Court Referees" in the Utah State Code, these officers can hear non-court-appearance-required cases and mediate a settlement during a person's first appearance, without them having to admit guilt. However, current state code allows such a position only in District and Juvenile Courts.

In closing, I would like to express appreciation to Betty Langeberg and the Justice Court judges for the cooperation and timely assistance they gave to our auditors. If we can be of further assistance with this, or any other matters related to the Justice Courts, please let me know.

Sincerely,

David L. Beck  
Chief Deputy

Enclosure  
cc: Judge Adamson  
Betty Langeberg  
Commission

**1997**

Court	Total number of charges disposed of by judges	Number of judges and amount of time they work	Number of charges disposed of per one full-time judge
Sandy	20,027	One full-time and one 24 hrs a week	12,517
South Salt Lake	10,417	One full-time	10,417
South Jordan	4,081	One 17 hrs a week	9,602
<b>Salt Lake County</b>	23,392	Four full-time	<b>5,848</b>
		<i>Average of the above courts</i>	<b>9,596</b>
Alta	103	One approx. 5 hrs a month	3,678
Midvale	2,969	One full-time	2,969
Draper	1,451	One 20 hrs a week	2,902
Bluffdale	151	One approx. 5 hrs a week	1,208
Riverton	Not used, only 5 months data available		
		<i>Overall average</i>	<b>6,143</b>

**1998 January-March data projected for the full year**

Court	Total number of charges disposed of by judges	Number of judges and amount of time they work	Number of charges disposed of per one full-time judge
Sandy	17,990	Same as above	11,244
South Salt Lake	10,832	"	10,832
South Jordan	4,877	"	11,476
<b>Salt Lake County</b>	21,776	"	<b>5,444</b>
		<i>Average of the above courts</i>	<b>9,749</b>
Alta	184	"	6,572
Midvale	4,920	"	4,920
Draper	1,512	"	3,024
Bluffdale	104	"	832
Riverton	688	One 8 hrs a week	3,440
		<i>Overall average</i>	<b>6,420</b>