

Evaluation of Early Case Resolution (ECR)

**Year 2 Report
March 2014**



THE UNIVERSITY OF UTAH

Utah Criminal Justice Center

COLLEGE OF SOCIAL WORK
COLLEGE OF SOCIAL & BEHAVIORAL SCIENCES
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**Evaluation of Early Case Resolution (ECR)
Year 2 Report**

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Table of Contents

Table of Contents	i
Acknowledgements	ii
Background and Introduction	1
Summary Narrative of ECR Court	2
Case Processing through ECR.....	2
ECR Court Judges and Timeline.....	5
Methods	7
Sample Selection and Data Sources	7
Analyses	9
Results	9
Defendant and Case Descriptions	9
Case Processing Timelines	11
Dispositions	13
Sentences Received.....	15
Post-Sentence Hearings.....	25
Warrants.....	27
Sentence Compliance and Completion.....	29
Recidivism	33
Discussion and Next Steps	37
References	39
Appendices	40
Appendix A: Variable Definitions	40
Appendix B: Sentences Received Methodology.....	42
Appendix C: ECR Cover Sheet for Judges	45

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Background and Introduction

The Early Case Resolution Court (ECR) was a pilot program implemented in the Salt Lake County Third District Court on February 22, 2011 through a collaboration between the Utah Commission on Criminal and Juvenile Justice (CCJJ), Utah Administrative Office of the Courts (AOC), Utah Department of Corrections (UDC), Salt Lake County's Criminal Justice Advisory Council (CJAC), Salt Lake County Division of Criminal Justice Services (CJS), Salt Lake County District Attorney's Office (DA), and the Salt Lake Legal Defender Association (LDA).

ECR was developed as a systemic approach to address challenges faced by the criminal justice system in Utah. ECR is a collaborative process that aims to: (1) increase the speed of processing for all cases filed in Third District Court; (2) reduce jail overcrowding; (3) reduce caseloads for judges, prosecutors, and defense counsel by early resolution of certain cases; and (4) provide criminal defendants with appropriate sentences in a timely manner. The Year 1 Report¹ further describes the goals of ECR as originally outlined by the DA's Office in their grant proposal to CCJJ (Hickert, Worwood, Sarver, & Butters, 2013).

The ECR process was developed to address court timeline standards (ABA, 2006; Duizend, Steelman, & Suskin, 2011; Utah AOC, 2013) and is based on evidence-based criminal justice principles: swift and certain sanctions in response to violations (Kleiman & Hawken, 2008; Warren, 2009); use of offender risk assessments to inform treatment plans (Andrews, 2007); and probation conditions and responses for non-compliance with court orders (Warren, 2009). Programs similar to Salt Lake County's ECR have been proposed and/or begun in a number of other jurisdictions, including: Spokane, WA; Sonoma and Los Angeles County, CA; Orange County, FL; Washoe County, NV; and Washington County, OR (Integrus, 2008; David Bennett Consulting, 2010; Sigmon et. al, 1999; Washington County Circuit Court, 2008). At the time of this Year 2 Report there are still no known comprehensive evaluations of systemic criminal justice system changes similar to ECR, although Washington State University is currently conducting an evaluation of the Spokane program (D. Brody, personal communication, April 6, 2013).

At the request of the ECR partnering agencies², UCJC is conducting a three year evaluation of ECR to determine if the process and outcome goals of ECR are being met and if the implementation of ECR has impacted non-ECR cases moving through the system. The Year 1 Report¹ describes the selection of the study samples, case processing timelines for sub-groups (e.g., DA prosecuted cases at Matheson Courthouse, Salt Lake and West Valley City prosecuted cases at Matheson Courthouse, DA prosecuted cases at West Jordan Courthouse), and preliminary case outcomes. This report provides a brief update of case processing timelines and dispositions for DA prosecuted cases at Matheson Courthouse, as well as a more thorough description of sentencing, post-disposition timelines, compliance with court orders, and an examination of one-year recidivism rates. The final report will be completed in Year 3 and will examine post-sentencing practices³ and recidivism rates for a two-year follow-up period.

¹ The Year 1 ECR Report is available at <http://ucjc.utah.edu/adult-offenders/ecr>

² Utah Administrative Office of the Courts (AOC), Commission on Criminal and Juvenile Justice (CCJJ), Utah Department of Corrections (UDC), Criminal Justice Advisory Council (CJAC), Criminal Justice Services (CJS), District Attorney's (DA's) Office, and Legal Defender Association (LDA)

³ The Year 3 Report will examine post-sentencing practices for the 2nd sentencing for non-compliant cases that have not yet been disposed at their Qualifying Booking (QB)

Summary Narrative of ECR Court

This narrative of ECR court processing and agency roles was summarized by UCJC researchers in the summer of 2013. Information from this narrative was gathered from interviews with key ECR personnel (e.g., judges, judicial case managers, attorneys, pretrial screening, and probation representatives), reviews of ECR documents, and attendance at ECR meetings. This summary of ECR serves a dual purpose. First, it provides a broad overview of how cases typically flowed through the ECR process as it operated during the study period (October 2011 through September 2012). Second, it documents the changes that have been made to ECR since its inception in February 2011 through summer 2013. The ECR study examines a timeframe that predates some changes to the ECR process; therefore, it is important to note the changes, which give context to the data. The current ECR process is guided by *the ECR Cover Sheet for Judges* which is available in Appendix C.

Case Processing through ECR

ECR Court operates as a first appearance court for every criminal case filed in Third District Court in Salt Lake County. ECR Court provides qualifying criminal defendants who are willing to accept a plea bargain with an opportunity to obtain a resolution to their case as early as their first appearance in court. Every case filed in Salt Lake County appears in ECR Court for an initial appearance regardless of whether the case will remain in ECR. For those cases that remain in ECR (as agreed to by the ECR judge, the prosecuting attorney, and the defendant), defendants may accept a plea bargain at their initial appearance, or may ask for a second or third appearance before agreeing to a proposed resolution. If an agreement has not been reached within thirty days, with an exception for specialty court cases, the ECR judge will typically reassign the case and place it on the regular calendar.

Jail Screening and Release

Individuals who are booked into jail following an arrest are evaluated by Salt Lake County Criminal Justice Services (CJS) for pretrial release. As part of the implementation of ECR, CJS began screening all inmates for indigency status regardless of whether their case qualified for ECR. All detainees are provided with the option to decline a financial assessment. Detainees whose documents meet financial requirements for appointment are labeled “LDA qualified” and the results of their financial assessment are transmitted simultaneously to both the court and the Salt Lake District Attorney’s (DA) office. ECR judges have a standing order that all Legal Defender Association (LDA) qualified defendants are initially appointed LDA counsel; therefore, the DA is authorized to begin providing discovery to LDA. The court will review the indigence documents and either approve or deny the appointment, which is noted in the court docket. A defendant who is not approved at this time may have appointment issues addressed at their first court hearing.

Prior to their release from the Salt Lake County jail (whether on pretrial release, posting bail, or over-crowding release), CJS evaluates each defendant. As part of the implementation of ECR, CJS began providing a notice to appear (NTA) to any defendant who was released from the jail pretrial and whose charges qualified as a class A misdemeanor or higher. The NTA specifies the date and time the individual must report to ECR Court for their first appearance. When ECR was first implemented, initial appearances were scheduled for approximately two weeks following release

from the jail. Starting on January 2, 2013, initial appearances were scheduled for approximately three weeks after release.

Individuals receive a notice to appear (NTA) regardless of whether charges have been filed at the time they are released from jail. CJS personnel regularly attend all court sessions and a CJS representative attends ECR Court for two hours Monday through Thursday to meet with individuals who have received a NTA but who have not had charges filed. The CJS representative instructs individuals how to monitor their case through CJS's automated call-in system to determine if charges are eventually filed. The CJS representative also offers to take the individual's contact information and notify defendants by phone if and when their charges are filed. If charges are filed in these cases, this contact can obviate the need to issue a warrant for those individuals.

Charges Filed, ECR Screening, and Discovery

Salt Lake County District Attorney

Upon receiving an arrest report, screening attorneys at the DA's office file charges and evaluate each case for inclusion in ECR Court. Screeners designate each case as "ECR" or "Non-ECR." ECR designations are not absolute and some cases marked as Non-ECR may end up being resolved through the ECR Court if all parties and the ECR judge agree to proceed through ECR.

While any case filed with Third District Court may be processed through ECR Court, regardless of the charges filed, the screening attorneys at the DA's office determine whether ECR is appropriate for any given case. These determinations are made on a case-by-case basis and are primarily based on the nature of the crime and the criminal history of the defendant. Typically, crimes involving special victims, gangs, domestic violence, aggravated weapons offenses, felony DUIs, and homicides are screened out of ECR by the DA's office.

After the screeners assess charges and make a determination as to whether the case is appropriate for ECR, cases identified as ECR eligible are assigned to an ECR attorney for review. When ECR initially began, four attorneys were assigned to ECR; however, after West Jordan⁴ cases were included in the ECR process in August 2011 the DA's office assigned two additional attorneys to ECR Court.

ECR attorneys review each case and draft an initial plea offer, which is included in the discovery packet. If the defendant has been flagged as qualifying for legal assistance, the DA's office automatically sends the discovery packet to LDA. Discovery is sent to LDA in an effort for defense attorneys to receive discovery at least one day in advance of the initial appearance for in-custody defendants. Cases that do not qualify for legal assistance are sent to private defense counsel once the DA's office has been notified of representation. With the implementation of ECR, the DA's office has implemented several changes to speed up the discovery process for every case filed in their office. These changes include submitting police reports electronically, not charging fees for discovery requests, and moving toward digitized filings.

⁴ Third District Court operates two courthouses in Salt Lake County: West Jordan and Matheson. When cases that would have historically been assigned to West Jordan began funneling through ECR Court at Matheson this increased the volume of cases in ECR. This change also allowed for all Salt Lake County cases (regardless of where they would have historically been assigned) to have the opportunity for an ECR resolution if they met the criteria.

Legal Defender Association

Discovery packets for each case that is assigned to LDA are received by one of eight LDA attorneys assigned to cover ECR Court. The goal is for LDA to receive discovery one day before the initial appearance date on in-custody cases. ECR attorneys review discovery packets and the DA's initial offers for each case. If discovery was received in advance of the initial court appearance, LDA attorneys aim to meet with in-custody defendants the day before the initial appearance to discuss the case and the initial offer and to determine if the defendant wishes to pursue or opt-out of ECR. When LDA attorneys have received discovery but are unable to meet with their in-custody clients at the jail, they meet with clients in court, prior to their appearance. For cases where discovery was not received in time for LDA attorneys to meet with their in-custody clients prior to their first appearance, LDA attorneys meet with their clients for the first time at their initial appearance, within the discretion of the court. For out-of-custody cases, LDA typically receives discovery several days in advance of the first hearing and meets with their clients for the first time at their initial court appearance.

ECR Court Proceedings

All criminal cases filed in Third District Court in Salt Lake County have their first appearance in ECR Court regardless of whether the case will remain in ECR. When ECR was implemented, ECR Court was divided into two courtrooms that operated five days a week. Beginning on January 3, 2013, ECR was consolidated into one courtroom operating five days a week. ECR has morning and afternoon sessions with NTA appearances for out-of-custody defendants occurring in the morning session and incarcerated defendants appearing in the afternoon and Friday calendars. Prison and jail video cases occur during Wednesday morning sessions.

ECR Court uses a team approach—each courtroom's team consists of one judge, four prosecutors, four legal defenders, two Adult Probation and Parole (AP&P) representatives,⁵ one CJS court screener,⁶ and three court clerks. The team approach utilized in ECR Court is intended to improve efficiency in the court and allows one prosecutor and defendant to be in front of the judge while another team is discussing a case or attempting to reach an agreement.

Non-ECR cases

Non-ECR cases begin with a first appearance in ECR Court, which includes an explanation of charges filed against the defendant, the assignment of a legal defender, if appropriate, and the reassignment of the case to a judge on the regular criminal calendar by the ECR judge. In some cases additional proceedings may occur in the ECR Court, including bond hearings, some pretrial motions, jail release agreements, no-contact order modifications, and fugitive cases.

ECR cases

ECR cases also begin with an initial appearance in ECR Court. Typically, defense and prosecuting attorneys meet with representatives from CJS and AP&P in court to assess a defendant's criminal

⁵ Who communicate throughout the day by e-mail with a full-time office specialist at AP&P who is assigned to the ECR Court team and provides files and information for the process

⁶ Two CJS court screeners alternate their time in court and preparing cases. There is an additional CJS representative, previously noted in this report, who attends court for two hours Monday through Thursday to assist those with a Notice to Appear (NTA) who have not had their cases filed yet.

history and previous experiences with probation and/or parole. CJS representatives present information to the court regarding pretrial information for defendants under review and provide recommendations regarding custody release and bail modifications. AP&P personnel receive a court docket report each evening in advance of the next day's calendar. AP&P personnel give an oral report in ECR Court that can be used to inform plea bargain discussions and sentencing decisions. Prosecutors and defense attorneys discuss proposed resolutions while in court and present those to the court if a negotiated disposition is reached. The ECR judge will discuss the proposed resolution with the defendant and make a final sentencing determination in accordance with Rule 11(h)(1).

If a disposition is not reached at the initial appearance and all parties and the ECR judge agree the case remains appropriate for ECR, the judge will schedule a second appearance in ECR Court. In the interim, the defense and prosecution may attempt to find a proposed resolution. If an agreement and sentencing does not occur within thirty days of the initial appearance, the case will be reassigned as Non-ECR and will be scheduled on the regular calendar by the ECR judge. At this time the case will also be assigned to a new (Non-ECR) prosecuting attorney and if, the defendant is represented by LDA, to a new Non-ECR counsel at LDA. Cases that are assessed for potential assignment to a specialty court (e.g., Mental Health Court, Drug Court) may be given longer than thirty days in ECR Court before being assigned to the regular calendar.

Post-Disposition Review

Review of probation and parole violations are handled in ECR Court for all cases that were originally disposed in ECR.^{7 8} Cases that were initially resolved outside of ECR go before their assigned judge for noncompliance issues (e.g., bench warrants, Order to Show Cause (OSC) hearings). At OSC and bench warrant hearings, the ECR Court will handle sanctions on a case-by-case basis in an effort to provide outcomes that are swift, certain, appropriate, and predictable. This often results in the parties submitting to an agreed upon OSC disposition, which the court will either accept or reject. If the parties do not submit an agreement as to the OSC disposition, the court will hear evidence and arguments and will rule on the OSC. Court probation that was sentenced in ECR operates in a similar manner. The ECR calendar also sets periodic reviews for Court Probation, with the frequency of these reviews varying by the ECR judge's preference. Defendants also have an opportunity to request review hearings in the event they are experiencing trouble complying with probation terms.

ECR Court Judges and Timeline

When ECR Court was implemented on February 22, 2011, it operated out of two courtrooms, Monday through Friday. Cases were split between the two courts according to the last name of the defendant. See Table 1 and Figure 1 for the timelines and changes made to the ECR Court judge assignments, as well as some other important changes to the ECR process. On January 13, 2013, the two ECR Courts were consolidated into one court with two judges sitting in ECR Court on a weekly rotating basis. Beginning on January 21, 2013 all ECR cases were assigned to a single judge

⁷ Typically evidentiary hearings for OSCs would occur in ECR Court for ECR Resolved cases; however, restitution hearings were set before a judge outside of ECR. After resolution, the case would return to the ECR judges' caseload. Proposed change in August 2013 will result in all evidentiary hearings (e.g., OSC, restitution) remaining in ECR courtroom for ECR Resolved cases.

⁸ See Appendix C *ECR Cover Sheet for Judges* for guidelines for current procedures

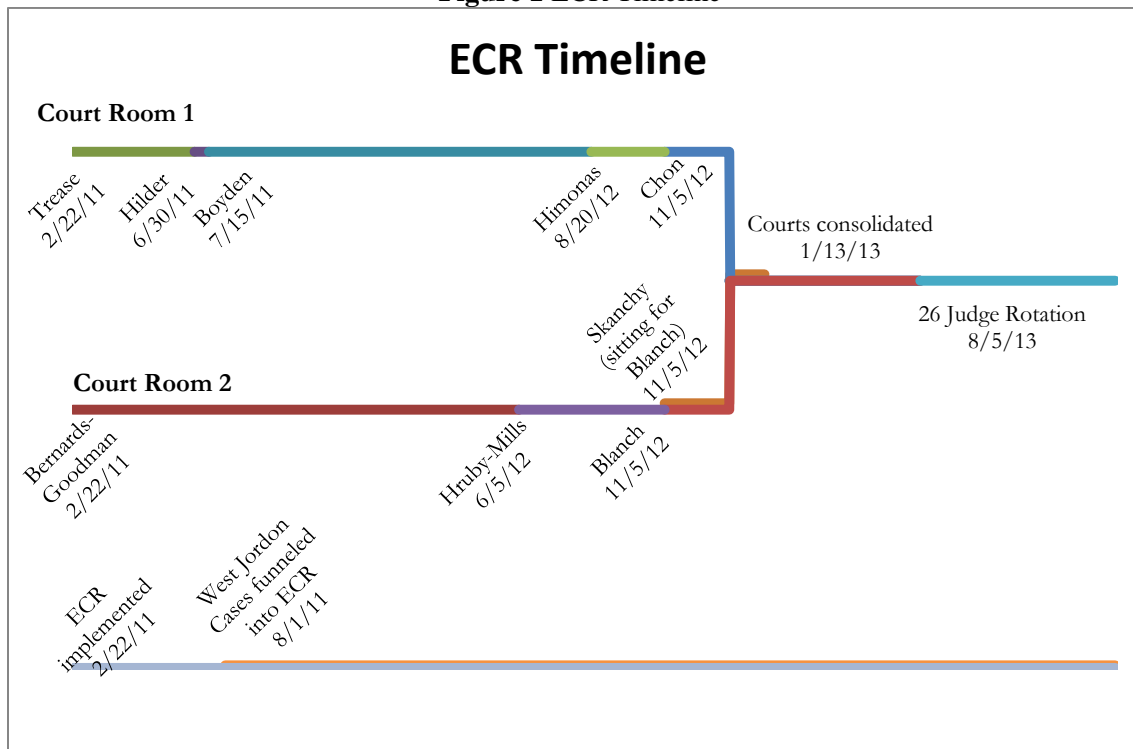
(although the two judge sitting rotation continued). Beginning on August 5, 2013, ECR Court began assigning each of the 26 Salt Lake City and West Jordan District Court judges to ECR Court for one week at a time on a rotating basis.

Table 1 ECR Judges

Court 1		Court 2	
2/22/11 – 6/29/11	Judge Trease	2/22/11 – 6/4/12	Judge Bernards-Goodman
6/30/11 – 7/14/11	Judge Hilder		
7/15/11 – 8/19/12	Judge Boyden		
8/20/12 – 11/4/12	Judge Himonas	6/5/12 – 11/4/12	Judge Hruby-Mills
11/5/12 – 1/3/13	Judge Chon	11/5/12 – 1/3/13	Judge Skanchy ¹
Consolidated Court			
1/3/13 – 8/5/13		Judges Chon and Blanch ² (weekly rotation)	
8/5/13 – Present		26 judge weekly rotation	

¹ Judge Blanch assigned to ECR; however, Judge Skanchy presided.
² New cases assigned only to Judge Blanch starting on 1/21/13; existing cases assigned to Judge Chon remained. Both preside over ECR Court on a weekly rotating basis.

Figure 1 ECR Timeline



Methods

Sample Selection and Data Sources

Initial Year 1 Sample Selection

The initial sample selection for the three-year ECR study began with a random sample of class A misdemeanor and felony new charge and warrant bookings at the Salt Lake County jail (Adult Detention Center – ADC) during the two study periods: Pre-ECR (Calendar Year 2010) and During ECR (October 1, 2011 through September 30, 2012). The Pre-ECR year was selected based on a time period that ended before the implementation of ECR in early 2011. The During ECR year for the study was set as October 1st to exclude the time period when ECR was in its infancy and experiencing more frequent fluctuations in operations. From these jail bookings, court case information was collected and data from the ADC's Offender Management System (OMS) were merged with Administrative Office of the Courts (AOC) data (CORIS), as well as data from the DA's office (PIMS). The final sample in the Year 1 Report was comprised of DA prosecuted cases that were disposed at the Matheson Courthouse (the primary focus of the report), as well as DA prosecuted cases disposed at the West Jordan Courthouse (Year 1 Report: Appendix B) and cases disposed by city prosecutors in Salt Lake District Court (Year 1 Report: Appendix C). More detail about the initial case selection process is available in the Year 1 Report (Hickert et al., 2013).⁹

Year 2 Report Cases

As the focus of the Year 2 Report is post-disposition and post-sentence outcomes, the cases included in this study are limited to DA prosecuted cases that were disposed at Matheson Courthouse. This report also includes cases that were already disposed at the time of their qualifying booking (QB)¹⁰, to examine the impact of the ECR process on post-disposition case processing. The follow-up period for most court data (CORIS) was through September 30, 2013. As such, additional cases that were not yet disposed at the time of the Year 1 Report are now included in Year 2 analyses. Table 2 displays the cases that were included in this report. Cases were flagged as ECR Resolved if the case was assigned to an ECR judge at the time of its disposition (see Appendix A for variable definitions).

Table 2 Cases Included in Year 2 Report:
DA Prosecuted Cases Disposed at Matheson Courthouse

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	1020	2805	1598	1207
Disposition (n (%))				
Pre-QB	284 (28)	748 (27)	578 (36)	170 (14)
During QB	264 (26)	855 (30)	365 (23)	490 (41)
Post-QB	472 (46)	1202 (43)	655 (41)	547 (45)

⁹ The Year 1 ECR Report is available at <http://ucjc.utah.edu/adult-offenders/ecr>

¹⁰ Qualifying Booking: the randomly selected jail bookings for class A misdemeanor or felony new offense or warrants that was the starting point for inclusion in the study. See Appendix A for variable definitions

Data Sources

Data sources for this report are described in Table 3. As previously mentioned, OMS data from the ADC were initially used to create the ECR study sample by identifying a random sample of class A misdemeanor and felony new charge and warrant bookings. These selected bookings are referred to as Qualifying Bookings (QBs). OMS data were also used to calculate criminal histories prior to the tracked court cases, as well as one year post-QB and post-disposition recidivism. Post-sentence compliance was tracked using CORIS (cases sent to debt collection), XChange (AP&P supervision outcomes), C-track (CJS probation outcomes), and Division of Behavioral Health Services (DBH) data (mental health (MH) and substance use disorder (SUD) assessments and treatment).

Table 3 Data Sources

Data Source	Description
Salt Lake County Sheriff's Office – Adult Detention Center (ADC)	
OMS	Jail booking history for Salt Lake County Adult Detention Center, which includes booking and release dates and types, offense descriptions, and court case information for cases that have been filed. Used to describe criminal history, qualifying booking (QB) details, and one year recidivism. ¹
Administrative Office of the Courts (AOC)	
CORIS	Primary source for court data, including case types and degrees, hearings ² , judge assignments, warrants, dispositions, sentences, and debt collection.
XChange	Online database of court dockets used to look up court case numbers when missing from jail records, verify information across data systems, fill in missing information, and collect AP&P supervision outcomes. ³
Salt Lake County Criminal Justice Services (CJS)	
C-track	Case status data, including probation (and other forms of supervision by CJS) start and end dates and statuses (e.g., successful, revoked) at the court case level.
Salt Lake County Division of Behavioral Health Services (DBH)⁴	
Mental Health (MH)	Dates of MH services by type (e.g., assessment, therapy, medication management)
Substance Use Disorder (SUD)	Admissions (including assessments) by admit and last contact date and ASAM level (e.g., outpatient, residential)

¹Recidivism, sentences received, and post-sentence compliance for probation (CJS, AP&P) and debt collection were tracked through 12/31/13.

²Court case processing (including hearings, judge assignments, warrants, and dispositions) was tracked through 9/30/13.

³Utah Department of Corrections (UDC) legal status data were collected from O-track to examine AP&P supervision compliance. However, these data are at a person, rather than case level. As such, AP&P supervision outcomes were hand collected from XChange to more accurately capture case-level outcomes.

⁴DBH assessment and treatment data were available from 1/1/10 through 7/31/13.

Analyses

Analyses were primarily limited to descriptive statistics (e.g., medians, percents) for the groups examined in this report. For descriptive statistics on ratio variables (e.g., days between events in the timeline), medians (Md), rather than means (Mn), were used because the data were skewed. For example, means would show much longer timelines due to the few outlier cases that are extremely slow in their processing.

Statistical significance tests were not conducted on group comparisons. Due to the large sample size, some bivariate statistical tests could show statistically significant effects for relatively small differences, regardless of their practical significance. As such, descriptive statistics are presented to allow an examination of group differences that can be interpreted for non-statistical practical importance (e.g., is a 17% difference in sentencing to probation meaningful?). One exception was a series of multivariate tests conducted to examine the relationship between ECR status and post-disposition recidivism after controlling for other potentially important factors. Generalized linear models were conducted and that process is further described in the *Factors Related to Recidivism* section of this report.

Results

Defendant and Case Descriptions

The cases included in this report are District Attorney (DA) cases that were disposed in the Salt Lake City (Matheson) Courthouse. For the remainder of this report cases will be compared from Pre-ECR to During ECR, as well as within the During ECR year, between Non-ECR and ECR Resolved.

As shown in Table 4, on the following page, Pre-ECR and During ECR cases did not differ much on the type of defendants (e.g., gender, race/ethnicity, age). However, within the During ECR year, ECR Resolved cases had more female, White, and slightly younger defendants than the Non-ECR cases. An examination of defendants' jail booking histories shows that approximately two-thirds of those with Pre-ECR and During ECR cases had at least one new charge booking in the jail in the three years prior to their qualifying booking (QB). For defendants with ECR Resolved cases, a slightly lower proportion had new charges in the three years prior.

Of the DA prosecuted cases disposed at Matheson that were tracked for this study, During ECR had fewer cases with a person offense as their primary charge at filing (17%, compared to 21% Pre-ECR), and within those, even fewer person cases were ECR Resolved (4%, see Table 4). A majority (81%) of cases resolved in ECR had a property or drug offense as their primary charge. ECR Resolved cases were also somewhat less likely to be 1st or 2nd degree felonies.

Charge type (e.g., person, property) and degree (e.g., MA, F3) were combined for the primary charge on each case and the five most common types are displayed in Table 5. Not only do the ECR Resolved cases include more of these five most common types (75% of their cases compared to 66% for Pre-ECR and 62% for Non-ECR), but of these five types, ECR Resolved cases include the highest proportion of 3rd Degree Felony Property (37%) and 3rd Degree Felony Drug (36%) cases.

Table 4 Defendant and Cases Characteristics

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	1020	2805	1598	1207
Defendant Demographics				
Gender (%)				
Male	75	75	77	71
Female	25	25	23	29
Race/Ethnicity (%)				
White	62	64	61	69
Hispanic	23	20	21	19
African American	9	9	10	6
Asian	2	2	2	2
Pacific Islander	3	3	3	1
Native American/Alaskan	2	2	3	2
Age at QB				
Mean (SD)	33 (10)	34 (11)	34 (11)	33 (10)
Percentiles 25-50-75	25-31-40	25-31-40	26-32-42	25-30-39
Defendant Criminal History				
3 Years Prior to QB				
Percent w/ New Charge Booking(s) (%)	65	63	67	56
Number of New Charges (Mn (SD))	1.7 (2.7)	1.6 (2.2)	1.6 (2.4)	1.5 (2.1)
Most Severe Charge (Mn (SD)) ¹	4.2 (1.0)	4.2 (1.1)	4.2 (1.2)	4.2 (1.1)
1 Year Prior to QB				
Percent w/ New Charge Booking(s) (%)	44	39	37	42
Number of New Charges (Mn (SD))	0.8 (1.3)	0.7 (1.2)	0.7 (1.2)	0.8 (1.2)
Most Severe Charge(Mn (SD)) ¹	4.1 (1.1)	4.1 (1.1)	4.0 (1.2)	4.1 (1.1)
Primary Charge on Court Case				
Type at Filing (%)				
Person	21	17	27	4
Property	35	34	31	39
Drug	30	34	28	42
DUI	3	3	4	2
Escape	2	2	1	3
Other	9	10	9	10
Severity at Filing (%) ²				
Misdemeanor	13	14	14	15
3rd Degree Felony	56	56	53	60
2nd Degree Felony	23	23	24	20
1st Degree Felony	8	6	9	2

¹ 1=MC, 2=MB, 3=MC, 4=F3, 5=F2, 6=F1² ECR Resolved included 3% of cases listed "Not Applicable" in Prosecuted Severity.

Table 5 Five Most Common Primary Charge Types at Filing

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	1020	2805	1598	1207
Primary Charge on Court Case – 5 Most Common Combined Types at Filing (%)				
Total Cases in Top 5 Types/Degrees	66	68	62	75
Of those, % of each type:				
3rd Degree Felony - Drug	29	30	25	36
2nd Degree Felony - Drug	12	15	14	16
3rd Degree Felony - Property	30	31	26	37
2nd Degree Felony - Property	15	12	15	8
3rd Degree Felony - Person	14	12	20	3

Case Processing Timelines

Case processing timelines are briefly reviewed in this report to illustrate that the expedited case processing of During ECR cases (and ECR Resolved cases in particular) that were found in the Year 1 report are still present with longer follow-up periods and more cases included (e.g., those not yet disposed at the time of the Year 1 report). For an in-depth analysis of case processing timelines, see the Year 1 ECR report¹¹ (Hickert et al., 2013). Cases that were disposed prior to the qualifying booking (QB) were not examined in the Year 1 report but are included in the sub-sections below. The remainder of this section is split into three sub-sections based on when the case was disposed in relation to the QB. Separate timeline analyses were conducted for these three groups, as cases that are disposed while a person is in jail custody on that case have expedited processing in relation to cases that are disposed after a person has been released from jail (on that case).¹²

Cases Disposed Pre-QB

Case processing timelines for cases that were disposed prior to the qualifying booking (QB) are detailed in Table 6. These cases represent cases where the person was back in jail on that case post-disposition (likely for noncompliance) and were not reviewed in the Year 1 ECR report. The timelines in Table 6, however, are for the timeframe leading up to the QB. As shown in Table 6, the timelines are comparable for Pre-ECR and During ECR cases; however, ECR Resolved cases have a noticeably shorter time to disposition (with fewer pre-disposition hearings) and sentencing. The majority of ECR Resolved cases were sentenced on the same day as the disposition (92%, compared to 25% for Non-ECR and 14% for Pre; not shown in Table 6).

¹¹ The Year 1 ECR Report is available at <http://ucjc.utah.edu/adult-offenders/ecr>.

¹² It is important to note that the next three subsections are divided into when the case was disposed in relation to the qualifying booking (QB) that selected the case for inclusion in the study. The defendant may have been in custody (jail) on another matter at the time of disposition; however, that is outside the primary analyses of this study.

Table 6 Timelines for Cases Disposed Pre-QB –Number of Days

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed Pre-QB (n)	284	748	578	170
Court Case Timelines (Md)				
Offense to Filing ¹	14	21	22	17
Filing to 1 st Hearing	11	8	8	6
Total # of Pre-Disposition Hearings ¹	4	4	5	1
Filing to Disposition	98	80	115	20
Offense to Disposition	135	134	161	55
Disposition to Sentencing ¹	63	49	56	0
QB Length of Stay	42	53	59	41

¹See Appendix A for variable definitions.

Cases Disposed During QB

For cases disposed during the qualifying booking (QB), Pre-ECR and Non-ECR cases had roughly equivalent timelines through disposition, while ECR Resolved cases were disposed in one-quarter that amount of time (offense to disposition, see Table 7). More ECR Resolved cases were sentenced on the same day as the disposition (98%, compared to 47% Non-ECR and 41% Pre-ECR; not shown in Table 7). Length of stay in jail on the QB was also shorter for ECR Resolved cases (Md = 34 days) than Non-ECR (Md = 105 days) or Pre-ECR cases (Md = 90).

Table 7 Timelines for Cases Disposed During QB –Number of Days

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed During QB (n)	264	855	365	490
Court Case Timelines (Md)				
Offense to Filing ¹	16	11	14	9
Filing to 1 st Hearing	5	5	5	5
Total # of Pre-Disposition Hearings ¹	3	2	4	1
Filing to Disposition	72	38	87	14
Offense to Disposition	116	66	120	31
Disposition to Sentencing ¹	49	0	29	0
QB Length of Stay	90	59	105	34

¹See Appendix A for variable definitions.

Cases Disposed Post-QB

For cases that were disposed after the qualifying booking (QB), case processing timelines were shorter for During cases than Pre-ECR cases, with the median time from offense to disposition being roughly three months shorter (138 days During ECR Combined vs. 234 days Pre-ECR, see Table 8). ECR Resolved cases had an even more expedited timeline, with half of the cases being disposed within 38 days of filing (filing to disposition Md = 38, see Table 8). The vast majority of

ECR Resolved cases were sentenced on the same day as their disposition (97%, not shown in Table 8), compared with about half of Pre-ECR (50%) and Non-ECR (48%) cases.

Table 8 Timelines for Cases Disposed Post-QB –Number of Days

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed Post-QB (n)	472	1202	655	547
Court Case Timelines (Md)				
Offense to Filing ¹	30	21	23	19
Filing to 1 st Hearing	14	10	9	11
Total # of Pre-Disposition Hearings ¹	6	3	6	2
Filing to Disposition	176	94	152	38
Offense to Disposition	234	138	199	68
Disposition to Sentencing ¹	0	0	21	0
QB Length of Stay	4	3	3	2

¹See Appendix A for variable definitions.

Dispositions

The preliminary trends observed in the Year 1 Report continue in the Year 2 analyses, even after the inclusion of additional cases.¹³ As shown in Table 9, a smaller percent of cases that were ECR Resolved had their primary charge or all charges dismissed. This reflects the ECR process: the DA's Office identifies cases that are eligible for ECR and comes to the initial arraignment with a sentence offer. As such, comparatively more ECR Resolved cases had their primary charge reduced (from filing to disposition) and all of their subsequent charges dismissed.

Table 9 Case Dispositions

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	1020	2805	1598	1207
Primary Charge				
% of cases with Primary Charge:				
Dismissed	28	22	27	16
Degree Reduced	45	46	39	54
Guilty/Not Reduced	27	32	34	30
Subsequent Charges				
% of cases with multiple charges	70	71	71	70
% with subsequent charges dismissed:				
None	14	12	14	9
Some	25	25	27	23
All	61	63	59	68

¹³ Cases not yet disposed at the time of the Year 1 report, as well as cases that were disposed prior to their QB were excluded from the Year 1 analyses, but are included in this report.

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	1020	2805	1598	1207
All Charges within a Case ¹				
% with charges dismissed:				
None	30	29	29	29
Some	50	56	53	60
All	20	15	18	11

¹Includes Primary Charge and any subsequent charges.

Dispositions for Five Most Common Primary Charge Types

Table 10 examines the five most common primary charges at filing (from Table 5 on pg 11) and displays their most severe charge at disposition (taking into account charge reductions and dismissals). For most cases, the most severe charge at disposition was one degree reduced from the primary charge at filing. One exception was noted among Non-ECR third-degree felony property cases at filing: the majority of these cases (55%) were also disposed as third-degree felony property. When looking at second-degree felonies, more of the cases that were resolved in ECR Court, when compared to Non-ECR cases, had their charge reduced to a class A misdemeanor.

Table 10 Primary Charge at Filing vs. Most Severe Charge at Disposition

	Pre	During		
		Combined	Non-ECR	ECR Resolved
3rd Degree Felony Drug				
Reduced <i>one</i> degree	67	62	50	71
Stayed the <i>same</i>	33	37	48	29
<i>Other type</i> of charge ¹	0	1	2	0
2nd Degree Felony Drug				
Reduced <i>two</i> degrees	22	21	15	27
Reduced <i>one</i> degree	53	54	53	54
Stayed the <i>same</i>	23	23	28	19
<i>Other type</i> of charge ¹	2	2	4	0
3rd Degree Felony Property				
Reduced <i>one</i> degree	55	52	43	59
Stayed the <i>same</i>	45	46	55	40
<i>Other type</i> of charge ¹	0	2	2	1
2nd Degree Felony Property				
Reduced <i>two</i> degrees	30	20	12	33
Reduced <i>one</i> degree	60	55	54	58
Stayed the <i>same</i>	7	20	28	6
<i>Other type</i> of charge ¹	3	5	6	3

	Pre	During		
		Combined	Non-ECR	ECR Resolved
3rd Degree Felony Person				
Reduced <i>one</i> degree	77	62	61	67
Stayed the <i>same</i>	19	34	36	24
<i>Other type of charge</i> ¹	4	4	3	9
¹ Other indicates most severe charge disposed as guilty changed type (e.g., 3 rd Degree Felony Person was dismissed and next most serious charge that was found guilty was a Class A Property).				

Table 11 presents the most common charge types for the most severe charge per case that was disposed (e.g., after reductions and dismissals). As shown in the table, the four most common types across all groups were: class A misdemeanor drug (20% of Pre cases, 21% During), third-degree felony drug (15% Pre, 18% During), class A misdemeanor property (21% Pre, 20% During), third-degree felony property (20% Pre, 19% During), and class A misdemeanor person (13% Pre, 9% During). Although class A misdemeanor person cases were less common among ECR cases (3%), they made up 14% of Non-ECR cases in the During time period. Sentences for these five most common charges types are described in the next section of the report.

Table 11 Most Severe Charge Type at Disposition

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases in Most Common Charge Types at Disposition (n)	609	1877	993	884
Most Severe Charge Type (%)				
Class A Misdemeanor Drug	20	21	14	28
3rd Degree Felony Drug	15	18	18	19
2nd Degree Felony Drug	5	5	6	4
Class A Misdemeanor Property	21	20	15	26
3rd Degree Felony Property	20	19	20	18
2nd Degree Felony Property	2	3	4	1
Class A Misdemeanor Person	13	9	14	3
3rd Degree Felony Person	4	5	9	1

Sentences Received

The following sections describe the primary sentences received at the first sentence date following disposition. These sentences represent the court orders for the five most common disposed case types prior to any post-sentence non-compliance. The Year 3 Report will examine post-sentencing practices for the second sentencing, which typically follows some noncompliance event.

Class A Misdemeanor Drug Sentences

As shown in Table 12, comparatively fewer class A misdemeanor drug cases resolved in ECR Court were sentenced to probation (70%, compared to 83% Pre, 82% Non-ECR) and when sentenced to

probation, they typically received shorter probation lengths regardless of type (see Table 13). Relatively fewer ECR Resolved cases received AP&P probation and a smaller number had substance use or mental assessments/treatment ordered as part of their probation agreement (see Table 12).

In comparison to Pre- and Non-ECR, fewer class A misdemeanor drug cases resolved in ECR were sentenced to jail (82%, compared to 95% Pre, 95% Non-ECR). In addition, ECR Resolved cases, on average, were sentenced to substantially fewer days in jail (Md = 9 days ECR, 120 Pre, 106 Non-ECR). Although more of the ECR Resolved cases received credit for time served (CTS) for all jail days ordered (38%, compared to 16% Pre, 18% Non-ECR), fewer had their entire jail sentence suspended (38% ECR, compared to 47% Pre, 57% Non-ECR). Prison sentences were rare for all groups (8% Pre, 4% Non-ECR, 2% ECR) and a vast majority of these cases had their prison sentence suspended. In fact, only 22% of Pre-ECR, 33% of ECR Resolved, and none of the Non-ECR cases that were sentenced to prison were ordered to serve prison time.

More of the class A misdemeanor drug cases resolved in ECR Court received sentences that included community service and attorney's fees and few cases in any of the groups had restitution ordered (3% Pre, 2% Non-ECR, 0% ECR).

Table 12 Sentences Received on Cases Disposed as Class A Misdemeanor Drug¹

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed as MA - Drug (n)	124	394	141	253
Probation				
Probation (%)	83	74	82	70
Supervised by (%):				
Court	6	16	11	19
Salt Lake County CJS	30	38	38	37
AP&P	64	46	51	44
Assessment/treatment condition for (%):				
Substance Use	71	64	69	61
Mental Health	12	7	14	3
Incarceration				
Prison (%) ²	8	3	4	2
Of those, 0-5 Years to Serve (%)	22	17	0	33
Jail (%) ³	95	87	95	82
All Credit for Time Served (CTS) (%)	16	31	18	38
<i>Of those with CTS, days served (Md)</i>	55	8	35	7
Jail suspended (%):				
All	47	45	57	38
Some	35	38	30	42
None	18	17	13	19
Quartiles for those with days to serve ⁴ (%):				
25	48	6	30	5
50	120	19	106	9
75	365	180	216	72

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Financial Conditions and Community Service				
Community Service (%)	18	39	30	45
<i>Hours (Md)</i>	68	40	48	27
Fines (%)	52	54	46	58
<i>Amount (Md)</i>	500	500	500	500
Attorney's Fees (%)	47	56	43	64
Restitution (%)	3	1	2	0

¹ Methodology for identifying Sentenced Received from Sentence Dockets in CORIS is explained in Appendix B.

² Includes suspended prison sentences.

³ Includes suspended jail sentences.

⁴ Excludes cases where all jail time was suspended. Days to serve included days sentenced (including CTS) minus days suspended; see Appendix B for further description of sentence received methodology.

As previously mentioned, comparatively fewer class A misdemeanor drug cases resolved in ECR Court were sentenced to probation and those cases typically received shorter probation lengths, regardless of probation type (i.e., Court, CJS, or AP&P) (see Table 13). Non-ECR cases closely resembled Pre-ECR cases in terms of the number receiving probation but a relatively larger percentage of them received less time ordered on Court Probation.

Table 13 Probation Length Details for Cases Disposed as Class A Misdemeanor Drug

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed as MA - Drug (n)	124	394	141	253
Sentenced to Probation (%)	83	74	82	70
Court				
12 months	17	61	25	73
18 months	33	19	33	15
24 months	0	11	33	3
36 months	50	9	9	9
Salt Lake County CJS				
12 months	10	46	30	57
18 months	70	35	33	37
24+ months ¹	20	19	37	6
AP&P				
Up to 12 months ²	5	30	12	43
18 months	19	27	19	33
24 months	51	30	44	20
36 months	25	13	25	4

¹ Vast majority were 24 months, the few that were over 24 months were folded into this category.

² Vast majority were 12 months, the few that were under 12 were folded into this category.

Third-Degree Felony Drug Sentences

As shown in Table 14, when compared to the Pre- and Non-ECR cases, a similar number of third-degree felony drug cases resolved in ECR Court were sentenced to probation but a larger number were sentenced to a shorter probation length (see Table 15). A vast majority of these cases received probation with AP&P (86% Pre, 86% Non-ECR, 80% ECR), with the remaining cases receiving Court Probation. Fewer of the ECR Resolved and Pre-ECR cases had substance use assessments/ treatment ordered as part of their probation agreement than did Non-ECR cases (see Table 14). Fewer ECR Resolved cases were ordered to complete a mental health assessment/treatment as part of their probation (1% ECR, compared to 10% Pre, 10% Non-ECR).

As shown in Table 14, half of third-degree felony drug cases were sentenced to jail (56% Pre, 45% Non-ECR, 49% ECR), but ECR Resolved cases were sentenced to substantially fewer days in jail (Md = 30 days, compared to 90 Pre, 180 Non-ECR). When compared to Pre-ECR cases, fewer ECR and Non-ECR cases received credit for time served (CTS) for all jail days ordered; however, ECR and Non-ECR cases served fewer days prior to sentencing. Few third-degree felony drug cases had some or all of their jail time suspended.

Comparatively fewer third-degree felony drug cases resolved in ECR Court were sentenced to prison (73%, compared to 93% Pre, 85% Non-ECR) and a larger number had their entire prison sentence suspended. In fact, only 6% of ECR Resolved cases that received a prison sentence were ordered to serve prison time (compared to 21% of Pre-ECR and 18% Non-ECR cases).

More of the ECR Resolved third-degree felony drug cases received sentences that included community service, fines, and attorney's fees and few cases in any of the groups had restitution ordered (0% Pre, 1% Non-ECR, 1% ECR).

Table 14 Sentences Received on Cases Disposed as 3rd Degree Felony Drug¹

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed as F3 - Drug (n)	88	344	177	167
Probation				
Probation (%)	74	69	66	71
Supervised by (%):				
Court	14	17	14	20
AP&P	86	83	86	80
Assessment/treatment condition for (%):				
Substance Use	56	59	66	52
Mental Health	10	5	10	1
Incarceration				
Prison (%) ²	93	79	85	73
Of those, 0-5 Years to Serve (%)	21	13	18	6
Jail (%) ³	56	47	45	49
All Credit for Time Served (CTS) (%)	37	23	22	24
Of those with CTS, days served (Md)	71	15	37	11

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Jail suspended (%):				
All	6	3	7	0
Some	6	8	8	9
None	88	88	85	91
Quartiles for those with days to serve ⁴ (%):				
25	30	30	58	30
50	90	90	180	30
75	361	180	365	150
Financial Conditions and Community Service				
Community Service (%)	18	24	18	30
<i>Hours (Md)</i>	75	40	80	40
Fines (%)	31	38	28	48
<i>Amount (Md)</i>	540	500	500	500
Attorney's Fees (%)	38	43	31	55
Restitution (%)	0	1	1	1

¹ Methodology for identifying Sentenced Received from Sentence Dockets in CORIS is explained in Appendix B.

² Includes suspended prison sentences.

³ Includes suspended jail sentences.

⁴ Excludes cases where all jail time was suspended. Days to serve included days sentenced (including CTS) minus days suspended, see Appendix B for further description of sentence received methodology.

As previously mentioned, relatively more of the third-degree felony drug cases resolved in ECR Court were sentenced to probation but more of those cases received a shorter probation length (see Table 15). Only one-quarter (25%) of ECR Resolved cases received sentences of 36 months or more on AP&P Probation, compared to three-quarters of Pre-ECR (72%) and Non-ECR (78%) cases. Of the few third-degree drug cases that were sentenced to Court Probation, a majority received 36 months or more (not shown in table; 89% Pre, 86% During).

Table 15 Probation Length Details for Cases Disposed as 3rd Degree Felony Drug

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed as F3 - Drug (n)	88	344	177	167
Sentenced to Probation (%)	74	69	66	71
AP&P				
Up to 12 months ¹	2	3	0	5
18 months	0	29	7	50
24 months	26	17	15	20
36+ months ²	72	51	78	25

¹ Vast majority were 12 months, the few that were under 12 were folded into this category.

² Vast majority were 36 months, the few that were over 36 were folded into this category.

Class A Misdemeanor Property Sentences

As shown in Table 16, relatively fewer class A misdemeanor property cases resolved in ECR Court were sentenced to probation (60% ECR, compared to 76% Pre-ECR, 77% Non-ECR) and typically received shorter probation lengths regardless of probation type (see Table 17). Fewer ECR Resolved cases (vs. Non-ECR or Pre-ECR cases) got AP&P Probation and fewer had assessments/treatment listed as a condition of their probation (see Table 16).

When compared to other groups, a similar proportion of ECR Resolved class A misdemeanor property cases were sentenced to jail, but those cases were sentenced to substantially fewer days in jail, on average (Md = 14 days, compared to 91 Pre, 60 Non-ECR). Similar numbers of Non-ECR and ECR Resolved cases received credit for time served (CTS) for all jail days ordered, but fewer ECR Resolved cases had all of their jail suspended (38%, compared to 49%). Prison sentences were rare for all groups (5% Pre, 2% Non-ECR, 1% ECR) and a vast majority of these cases had all prison time suspended.

More of the class A misdemeanor property cases resolved in ECR Court received sentences that included community service, fines, and attorney's fees (see Table 16). Just over one-quarter of cases from all groups were ordered to pay restitution (30% Pre, 27% Non-ECR, 26% ECR).

Table 16 Sentences Received on Cases Disposed as Class A Misdemeanor Property¹

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed as MA - Property (n)	130	380	152	228
Probation				
Probation (%)	76	67	77	60
Supervised by (%):				
Court	14	16	13	19
Salt Lake County CJS	24	32	32	33
AP&P	62	52	55	48
Assessment/treatment condition for (%):				
Substance Use	57	42	54	34
Mental Health	14	7	15	2
Incarceration				
Prison (%) ²	5	1	2	1
Of those, 0-5 Years to Serve (%)	0	20	0	50
Jail (%) ³	92	91	90	91
All Credit for Time Served (CTS) (%)	22	20	19	21
Of those with CTS, days served (Md)	62	10	35	8
Jail suspended (%):				
All	40	43	49	38
Some	38	28	30	27
None	22	29	21	35
Quartiles for those with days to serve ⁴ (%):				
25	40	10	22	8

	Pre	During		
		Combined	Non-ECR	ECR Resolved
50	91	30	60	14
75	190	64	120	30
Financial Conditions and Community Service				
Community Service (%)	19	32	29	34
Hours (Md)	60	40	60	40
Fines (%)	40	44	38	47
Amount (Md)	445	275	400	200
Attorney's Fees (%)	41	44	32	52
Restitution (%)	30	26	27	26

¹ Methodology for identifying Sentenced Received from Sentence Dockets in CORIS is explained in Appendix B.

² Includes suspended prison sentences.

³ Includes suspended jail sentences.

⁴ Excludes cases where all jail time was suspended. Days to serve included days sentenced (including CTS) minus days suspended, see Appendix B for further description of sentence received methodology.

As previously mentioned, relatively fewer of the class A misdemeanor property cases resolved in ECR Court were sentenced to probation and more of them were sentenced to shorter probation terms (see Table 17). Only 3% of ECR Resolved cases sentenced to AP&P Probation received sentences of 36 months or more, compared to one-third of Pre-ECR (31%) and Non-ECR (34%) cases. Non-ECR cases closely matched Pre-ECR cases on the percent that received probation and the length of the probation term.

Table 17 Probation Length Details for Cases Disposed as Class A Misdemeanor Property

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed as MA - Property (n)	130	380	152	228
Sentenced to Probation (%)	76	67	77	60
Court				
Up to 12 months ¹	28	50	36	58
18 months	14	15	21	11
24 months	29	23	29	19
36 months	29	12	14	12
Salt Lake County CJS				
12 months	22	41	28	52
18 months	39	39	47	32
24+ months ²	39	20	25	16
AP&P				
12 months	8	20	3	37
18 months	10	29	16	42
24 months	51	33	47	19
36 months	31	18	34	3

¹ Vast majority were 12 months, the few that were under 12 were folded into this category.

² Vast majority were 24 months, the few that were over 24 months were folded into this category.

3rd Degree Felony Property Sentences

As shown in Table 18, relatively fewer of the third-degree felony property cases resolved in ECR Court were sentenced to probation (62%, compared to 71% Pre, 76% Non-ECR,) and typically those cases received shorter probation lengths (see Table 19). A vast majority of these cases received probation with AP&P (94% Pre, 91% Non-ECR, 91% ECR), with the remaining cases receiving Court Probation (see Table 18). When compared to Pre- and Non-ECR cases, fewer of the ECR Resolved cases had assessments/treatment ordered as a condition of their probation.

A greater proportion of the third-degree felony property cases resolved in ECR were sentenced to jail (69%, compared to 43% Pre, 43% Non-ECR), but they were sentenced to substantially fewer days in jail, on average (Md = 30 days, compared to 180 Pre, 180 Non-ECR). Similar numbers of ECR Resolved cases received credit for time served (CTS) for all jail days ordered, but fewer had all of their jail sentence suspended (2%, compared to 12% Pre, 6% Non-ECR). Comparatively fewer third-degree felony property cases resolved in ECR Court were sentenced to prison (69%, compared to 91% Pre, 89% Non-ECR), although the majority of cases from all three groups had their prison sentence suspended.

A greater number of ECR Resolved third-degree felony property cases received sentences that included fines and attorney's fees (see Table 18), but the three groups had a similar proportion of cases where restitution was ordered (30% Pre, 31% Non-ECR, 24% ECR).

Table 18 Sentences Received on Cases Disposed as 3rd Degree Felony Property¹

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed as F3 - Property (n)	123	355	195	160
Probation				
Probation (%)	71	70	76	62
Supervised by (%):				
Court	6	9	9	9
AP&P	94	91	91	91
Assessment/treatment condition for (%):				
Substance Use	55	55	63	45
Mental Health	8	10	17	1
Incarceration				
Prison (%) ²	91	80	89	69
Of those, 0-5 Years to Serve (%)	21	10	10	10
Jail (%) ³	43	51	43	61
All Credit for Time Served (CTS) (%)	25	22	20	23
Of those with CTS, days served (Md)	85	13	79	10
Jail suspended (%):				
All	12	4	6	2
Some	8	5	10	0
None	80	92	84	98
Quartiles for those with days to serve ⁴ (%):				
25	106	30	90	30

	Pre	During		
		Combined	Non-ECR	ECR Resolved
50	180	60	180	30
75	365	210	365	60
Financial Conditions and Community Service				
Community Service (%)	10	20	19	22
<i>Hours (Md)</i>	80	50	90	40
Fines (%)	27	33	29	38
<i>Amount (Md)</i>	500	300	275	300
Attorney's Fees (%)	31	41	24	63
Restitution (%)	30	28	31	24

¹ Methodology for identifying Sentenced Received from Sentence Dockets in CORIS is explained in Appendix B.

² Includes suspended prison sentences.

³ Includes suspended jail sentences.

⁴ Excludes cases where all jail time was suspended. Days to serve included days sentenced (including CTS) minus days suspended; see Appendix B for further description of sentence received methodology.

As previously mentioned, relatively fewer third-degree property cases resolved in ECR Court were sentenced to probation, and, of those, more were sentenced to a shorter probation term (see Table 19). Only one-third (30%) of ECR Resolved cases sentenced to AP&P Probation received sentences of 36 months or more, compared to three-quarters of Pre-ECR (77%) and Non-ECR (77%) cases. Of the few third-degree property cases that were sentenced to Court Probation, a majority received 36 months or more (not shown in table; 89% Pre, 86% During).

Table 19 Probation Length Details for Cases Disposed as 3rd Degree Felony Property

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases Disposed as F3 - Property (n)	123	355	195	160
Sentenced to Probation (%)	71	70	76	62
AP&P				
12 months	1	5	0	12
18 months	3	18	8	34
24 months	19	18	15	24
36+ months ¹	77	59	77	30

¹ Vast majority were 36 months, and the few that were over 36 were folded into this category.

Class A Misdemeanor Person Sentences

Based on the small sample of class A misdemeanor person cases that were disposed in ECR Court (n=27), results for this section are limited to a comparison of the historical sample and the combined During sample (Non-ECR and ECR Resolved combined). A similar percent of class A misdemeanor person cases were sentenced to probation (see Table 20) and received similar probation lengths in the Pre-ECR and During ECR time periods (see Table 21). As shown in Table 20, a majority of cases received probation with AP&P (76% Pre, 81% During), and the remaining cases were split between Salt Lake County CJS and Court Probation. Pre-ECR and During cases had

similar rates of orders to complete substance use assessment/treatment, but relatively fewer During ECR cases had mental health assessments/treatment ordered as a condition of probation.

A similar proportion of class A misdemeanor person cases received jail sentences in the Pre-ECR and During time periods. However, During cases were sentenced to substantially fewer days in jail, on average (*Md* = 60 days During, compared to 110 days Pre-ECR). Comparable numbers of During and Pre cases received credit for time served (CTS) for all jail days ordered, but, on average, During cases served fewer days prior to their sentencing. Few class A misdemeanor person cases in either group were sentenced to prison (6% Pre, 2% During) and a majority of these cases had their entire prison sentence suspended.

As shown in Table 20, a similar proportion of class A misdemeanor person cases in both time periods received sentences that included community service and fines, but more of the During cases had attorney's fees ordered (53%, compared to 40% Pre). Only a small percent of cases from either time period were ordered to pay restitution as part of their sentencing (4% Pre, 8% During).

Table 20 Sentences Received on Cases Disposed as Class A Misdemeanor Person

	Pre	During
Cases Disposed as MA - Person (n)	80	168
Probation		
Probation (%)	90	86
Supervised by (%):		
Court	14	10
Salt Lake County CJS	10	9
AP&P	76	81
Assessment/treatment condition for (%):		
Substance Use	59	64
Mental Health	30	19
Incarceration		
Prison (%) ²	6	2
Of those, 0-5 Years to Serve (%)	20	33
Jail (%) ³	96	94
All Credit for Time Served (CTS) (%)	25	27
<i>Of those with CTS, days served (Md)</i>	52	30
Jail suspended (%):		
All	40	39
Some	40	51
None	20	10
Quartiles for those with days to serve ⁴ (%):		
25	23	21
50	110	60
75	203	120
Financial Conditions and Community Service		
Community Service (%)	25	28
<i>Hours (Md)</i>	78	50

	Pre	During
Fines (%)	55	53
Amount (Md)	500	500
Attorney's Fees (%)	40	53
Restitution (%)	4	8

¹ Methodology for identifying Sentenced Received from Sentence Dockets in CORIS is explained in Appendix B.

² Includes suspended prison sentences.

³ Includes suspended jail sentences.

⁴ Excludes cases where all jail time was suspended. Days to serve included days sentenced (including CTS) minus days suspended, see Appendix B for further description of sentence received methodology.

As previously mentioned, similar numbers of class A misdemeanor person cases were sentenced to probation and received similar probation lengths in the Pre-ECR and During ECR time periods (see Table 21). Only one-third cases received sentences of 36 months or more on AP&P Probation in both time periods (30% Pre, 31% During). Of the few class A misdemeanor person cases that were sentenced to Court Probation, a majority received 36 months or more (not shown in table; 89% Pre, 86% During).

Table 21 Probation Length Details for Cases Disposed as Class A Misdemeanor Person

	Pre	During
Cases Disposed as MA - Person (n)	80	168
Sentenced to Probation (%)	90	86
AP&P		
12 months	7	5
18 months	13	19
24 months	50	45
36 months	30	31

Post-Sentence Hearings

This section of the report describes the percent of probation cases that had at least one hearing three, six, and twelve months after sentencing. Table 22 reports on all post-sentence hearings, regardless of type or reason (e.g., OSC, review hearings).¹⁴ In general, more CJS and AP&P Probation cases had post-sentence hearings than Court Probation cases. However, because hearing type could not be readily discerned, it is not apparent if this is a function of more reviews being scheduled for these cases or greater detection of noncompliance that resulted in OSC hearings. The next section attempts to exclude potential OSC/warrant hearings by only examining those cases that did not have FTA/FTC warrants during the time periods.

¹⁴ Hearing codes and event descriptions in CORIS are often discrepant and event description is a free text field where infinite descriptions are possible. As such, it was not possible to examine post-sentence hearings by type/reason in this report.

Table 22 Post-Sentence Hearings¹

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Percent of Cases with Hearing(s) (%)				
Court Probation				
3mo post-Sentence	23	22	30	16
6mo post-Sentence	27	29	38	21
12mo post-Sentence	32	38	47	32
CJS Probation				
3mo post-Sentence	9	19	18	20
6mo post-Sentence	22	35	34	36
12mo post-Sentence	46	65	64	65
AP&P Probation				
3mo post-Sentence	19	26	22	34
6mo post-Sentence	41	48	43	57
12mo post-Sentence	63	74	69	81

¹Post-Sentence Hearings: all hearings occurring after the sentencing date, regardless of reason (e.g., OSC, Review Hearing).

Post-Sentence Hearings for Cases without Post-Sentence Warrants

While Table 22 reports on all post-sentence hearings for cases on probation, Table 23 limits the sample to only those probation cases that did not have FTA/FTC warrant(s) issued during the specified timeframes: three, six, and twelve months after sentencing. Hearings that occurred after the sentencing hearing and did not coincide with FTA/FTC warrant(s) may better represent review hearings. However, ECR stakeholders indicate that review hearings within a year of sentencing for CJS and AP&P probation cases are unlikely. As such, the hearings in Table 23 may still represent non-compliance, even if a warrant had not been issued.

As shown in Table 23, hearings were infrequent among cases without warrants both Pre and During ECR. One year after being sentenced, one-quarter (25%) of ECR Resolved cases on AP&P Probation had at least one hearing, which was similar to Pre-ECR cases (24%) and Non-ECR cases (30%). The same trend was observed for Court Probation. More of the ECR Resolved cases with CJS Probation had at least one hearing in the year following sentencing (36%, compared to 18% Pre, 20% Non-ECR). This analysis of post-sentence hearings suggests that hearings within the first year of sentencing are not very common for probation cases that have not had warrants issued.

Table 23 Post-Sentence Hearings for Cases without Warrants¹ by Probation Type

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Percent of Cases with Review Hearing(s) (%)				
Court Probation				
3mo post-Sentence	19	18	25	12
6mo post-Sentence	20	20	29	14
12mo post-Sentence	19	24	31	19

	Pre	During		
		Combined	Non-ECR	ECR Resolved
CJS Probation				
3mo post-Sentence	8	11	14	9
6mo post-Sentence	11	12	11	13
12mo post-Sentence	18	30	20	36
AP&P Probation				
3mo post-Sentence	10	11	12	9
6mo post-Sentence	19	19	21	13
12mo post-Sentence	24	28	30	25

¹This table reports on hearings that occur during the specified timeframe for cases that did not have FTA/FTC warrant(s) issued during this timeframe.

Warrants

The use of Probable Cause (PC) warrants has gone down from Pre-ECR (49%) to During ECR (37 %), primarily due to the low use among ECR Resolved cases (29%) (see Table 24 on the following page). During ECR, defendants whose cases had not yet been filed were given a “notice to appear” (NTA) date that was listed on their NTA form. The NTA date was set out approximately 2 weeks from the jail release date, but was slightly longer for releases occurring on the weekends because defendants that were released on Sundays were told to appear two weeks from the next Wednesday (17 days later). As such 17 days was used as the most conservative timeline.¹⁵ As shown in Table 24, the use of PC warrants substantially decreased during ECR among cases that were filed within 17 days of the defendant’s release from jail on their QB.

As a measure of noncompliance, warrants issued by the court for failing to appear (FTA) or failing to comply (FTC) with a court order were examined. As shown in Table 24, slightly fewer ECR Resolved cases had FTA/FTC warrants issued prior to or at disposition (22%, compared to 29% Pre, 28% Non-ECR). It is important to note, however, that ECR Resolved cases had a much shorter median time from filing to disposition (26 days), compared to 122 days for Pre-ECR cases and 124 days for Non-ECR cases. As such, it would be expected that ECR Resolved cases would have fewer warrants prior to or at disposition since they had a substantially shorter timeframe to accrue them. Comparatively more ECR Resolved cases had FTA or FTC warrants issued at three months post-sentencing. One year after sentencing, more than half (54%) of the Non-ECR cases had at least one FTA/FTC warrant issued, compared to 45% of ECR cases and 42% of Pre-ECR, suggesting similar rates of noncompliance across that longer timeframe. Table 24, however, does not take into account the different types of sentences (and, therefore, requirements to follow and levels of supervision) across the groups. Table 25 examines post-sentence warrants for cases on probation supervision for a more equivalent comparison across the groups.

¹⁵ At the time these cases were processed, the guideline was 2 weeks. Since that time it has been extended to 3 weeks.

Table 24 Warrants Issued

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	1020	2805	1598	1207
Probable Cause Warrants				
Percent of cases with (%):	49	37	43	29
Of Cases Filed: ¹				
≤ 17 days from QB release	68	17	23	12
> 17 days from QB release	45	31	40	25
FTA/FTC Warrants				
Percent of cases with (%): ²				
Prior to or at Disposition ³	29	25	28	22
3mo post-Sentence	13	18	15	21
6mo post-Sentence	27	31	27	30
12mo post-Sentence	42	49	54	45

¹"Filed within 17 days of QB release" was used as a proxy for identifying cases that met the "notice to appear" (NTA) criteria for ECR Court.

²Percents calculated out of cases with specified follow-up period. Majority of cases had at least 360 days follow-up (99% Pre, 83% During, 73% Non-ECR, 94% ECR).

³This timeframe varied by group. Median days from Filing to Disposition was 122 days Pre-ECR, 69 days During ECR, 124 days Non-ECR, 26 days ECR.

In comparison to Court Probation cases, a larger percent of cases on Salt Lake County CJS or AP&P Probation had FTA/FTC warrant(s) issued at all post-sentence points in time examined (see Table 25). The highest rate among all groups was observed among ECR Resolved cases on AP&P Probation, where 80% of cases had at least one FTA/FTC warrant during the year following sentencing. This was substantially higher than Pre-ECR (59%) and Non-ECR (66%) cases on AP&P Probation.

Table 25 FTA/FTC Warrants by Probation Type

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Percent of Cases with FTA/FTC Warrants (%)				
Court Probation				
3mo post-Sentence	5	5	7	4
6mo post-Sentence	11	12	14	11
12mo post-Sentence	24	22	26	19
CJS Probation				
3mo post-Sentence	17	26	26	27
6mo post-Sentence	43	49	50	48
12mo post-Sentence	65	71	75	68
AP&P Probation				
3mo post-Sentence	20	26	18	42
6mo post-Sentence	38	47	37	63
12mo post-Sentence	59	72	66	80

Sentence Compliance and Completion

Salt Lake County CJS Probation

Table 26 presents compliance for the 340 cases sentenced to Salt Lake County CJS Probation. Not surprisingly, a larger percent of During cases were still active on probation on December 31, 2013 (12% Pre, 36% Non-ECR, 30% ECR). Both ECR Resolved and Non-ECR cases had lower successful completion rates for CJS Probation than Pre-ECR (28% Pre, 20% Non-ECR, 19% ECR); however, it is important to keep in mind the shorter follow-up period for During cases and the likelihood that a portion of those who are still active will be terminated successfully. ECR Resolved and Non-ECR cases took similar amounts of time to successfully complete CJS Probation (Md = 350 days ECR, 371 Non-ECR), while the Pre cases took substantially longer (536 days). Although time on probation was only calculated for terminated cases, the large discrepancy between these numbers is likely influenced by differential follow-up periods and early terminations (both successful and unsuccessful). This difference would likely lessen with a longer follow-up period. Nevertheless, it is also interesting to note that the average length of time before ECR Resolved cases were unsuccessfully terminated from CJS Probation was much quicker than Non-ECR and Pre-ECR cases (Md = 394 Pre, 411 Non-ECR, 230 days ECR). Although the differences between and Pre-ECR and During ECR cases are likely influenced by the larger number of active cases in the During samples, this does not seem to explain the substantial difference between the ECR Resolved cases and the Non-ECR cases. As such, the difference in days to unsuccessful termination between ECR Resolved and Non-ECR cases (in contrast to the similarity in percent of interim noncompliance) may suggest that when ECR Resolved cases are not compliant with CJS Probation, they are terminated more quickly.

Table 26 Sentence Compliance with CJS Probation

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases ordered to CJS Probation (n)	82	258	120	138
Interim Noncompliance (%) ¹				
3mo post-Sentence	15	19	18	20
6mo post-Sentence	36	38	35	40
12mo post-Sentence	59	60	61	59
Exit Status (n (%))				
Active	10 (12)	85 (33)	43 (36)	42 (30)
Terminated	72 (88)	173 (67)	77 (64)	96 (70)
Successful	20 (28)	33 (19)	15 (20)	18 (19)
Unsuccessful	40 (56)	109 (63)	47 (61)	62 (65)
Other	12 (17)	31 (18)	15 (19)	16 (17)
Days on Probation (Md)				
Successful	536	366	371	350
Unsuccessful	394	306	411	230

¹ Interim Noncompliance: negative legal status events recorded in C-track during the specified timeframes that were not termination events. Percents calculated out of cases with specified follow-up period. Majority of cases had full 12 month follow-up (99% Pre, 95% During, 90% Non-ECR, 100% ECR).

AP&P Probation

Table 27 presents compliance for the 1,522 cases sentenced to AP&P Probation. Prior to presenting the results, it is important to draw attention to the large number of cases from the two During groups that were still active on probation on December 31, 2013 (41% Non-ECR, 21% ECR). It is likely that completion rates and average days on probation will change with a longer follow-up period and these figures should be considered preliminary.

Both ECR Resolved and Non-ECR cases on AP&P Probation had lower successful completion rates than Pre-ECR cases (24% Pre, 9% Non-ECR, 11% ECR); however, it is important to keep in mind the shorter follow-up period for During cases and the likelihood that a portion of those who are still active will be terminated successfully. The average length of time before ECR Resolved cases were unsuccessfully terminated from AP&P was much quicker than Non-ECR and Pre-ECR cases (Md = 231 days ECR, 496 Non-ECR, 566 Pre). Although the differences between ECR and Pre-ECR cases are likely influenced by active cases, this does not seem to explain the substantial difference between the ECR Resolved cases and the Non-ECR cases. This may suggest that when ECR Resolved cases are not compliant with AP&P Probation, they are terminated more quickly than their Non-ECR counterparts.

Table 27 Sentence Compliance with AP&P Probation

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases ordered to AP&P Probation (n)	409	1113	721	392
Exit Status (n (%))				
Active	37 (9)	376 (34)	292 (41)	84 (21)
Terminated	372 (91)	737 (66)	429 (59)	308 (79)
Successful	88 (24)	71 (10)	38 (9)	33 (11)
Unsuccessful	265 (71)	638 (87)	379 (88)	259 (84)
Other	19 (5)	28 (4)	19 (5)	16 (5)
Days on Probation (Md)				
Successful	623	455	479	428
Unsuccessful	566	353	496	231

Substance Use Disorder (SUD) Assessments and Treatment

The measure of compliance with court orders to receive a substance use disorder (SUD) assessment and/or treatment was restricted to Salt Lake County Division of Behavioral Health (DBH) SUD records between 1/10/2010 and 7/31/2013. It was outside the scope of this study to examine SUD assessments and treatment from private providers and other sources (e.g., CJS and/or AP&P programming).

As shown in Table 28, on the following page, nearly half of cases¹⁶ had defendants who were found to have DBH SUD records (47% Pre, 45% Non-ECR, 47% ECR). This percent was reduced when limited to only those cases with a SUD assessment or treatment records within one year of the case disposition or sentence (34% Pre, 26% Non-ECR, 30% ECR). This represents over half (53%) of Pre-ECR cases that were ordered to get a SUD assessment/treatment as a condition of their probation, but only 39% of ECR and 44% of Non-ECR cases. One-fifth (20%) of Pre-ECR and 23% of During ECR cases that were not ordered to get a SUD assessment/treatment were also found to have defendants who received a SUD assessment and/or treatment during the year following their disposition or sentence.

Of those ordered to get an assessment/treatment, a larger percent of Pre-ECR cases had an assessment within one year of disposition than the During cases (17% Non-ECR, 25% ECR; see Table 28). Of those with one, the time to first assessment appears to be similar across the groups. Of those ordered to get an assessment/treatment, approximately one-third of cases were found to have a SUD treatment admission open at or within one year of disposition (39% Pre, 38% Non-ECR, 31% ECR). Of those with treatment admissions, slightly more Pre- and Non-ECR cases had their first treatment admission open at or within 90 days of their disposition. Among all groups, Intensive Outpatient (IOP) and outpatient treatment were the most common types of treatment received within a year of disposition.

Table 28 Substance Use Disorder (SUD) Assessments and Treatment Admissions from Salt Lake County Division of Behavioral Health (DBH)

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases included ¹ (n)	731	1976	947	1029
Matched in SUD Records (n (%)) ²	346 (47)	906 (46)	426 (45)	480 (47)
SUD Assess/Tx within 1 year of Disposition or Sentence (n (%))	245 (34)	555 (28)	248 (26)	307 (30)
Of those <u>without</u> a probation condition for SUD Assess/Tx (n (%))	56 (20)	200 (23)	53 (16)	147 (27)
Of those <u>with</u> a probation condition for SUD Assess/Tx (n (%)) ³	125 (53)	281 (41)	145 (44)	136 (39)
Assessment within 1 year of Disposition (n (%))	92 (39)	144 (21)	58 (17)	86 (25)
Of those, time to first: (%)				
0-90 days	37	40	37	42
91-180 days	33	34	35	32
181-270 days	28	18	23	15
271-360 days	2	8	5	11

¹⁶ Cases queried in DBH SUD records were limited to those cases that were disposed between 1/1/10 and 4/30/13 to overlap with the available SUD data from 1/1/10-7/31/13. Matches were done on various combinations of person identifiers (IDs), including last name (including aliases), first name (including aliases), date of birth, SSN, and gender.

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases included ¹ (n)	731	1976	947	1029
Treatment open at or within 1 year of Disposition (n (%))	92 (39)	237 (35)	127 (38)	110 (31)
Of those, time to first: (%)				
open at disposition	13	9	11	7
0-90 days	37	31	36	27
91-180 days	20	29	27	32
181-270 days	19	15	11	18
271-360 days	11	16	15	16
Of those, type(s) received: (%)				
Detoxification	21	21	12	31
Residential	15	22	22	22
Intensive Outpatient (IOP)	49	53	58	48
Outpatient	47	46	47	46

¹Cases disposed between 1/1/10 and 4/30/13 were included in SUD assessment/treatment analyses, as SUD assessments and treatment admissions were primarily between 1/1/10 and 7/31/13.

²If the defendant on the case was matched to SUD Assessment/Tx at any time between 1/1/10 and 7/31/13.

³The number of cases with a probation condition for SUD Assessment/Tx were: 234 Pre, 683 During, 333 Non-ECR, and 350 ECR.

Mental Health Assessments and Treatment

The measure of compliance with court orders to receive a mental health (MH) assessment and/or treatment was restricted to Salt Lake County Division of Behavioral Health (DBH) MH records between 1/10/2010 and 7/31/2013. It was outside the scope of this study to examine MH assessments and treatment from private providers and other sources.

As shown in Table 29, on the following page, very few cases¹⁷ had defendants who were found to have DBH MH Services records (12% Pre, 17% Non-ECR, 13% ECR). This percent was even further reduced when limited to only those cases with a MH assessment or treatment record within one year of the case disposition or sentence (7% Pre, 8% Non-ECR, 7% ECR). Although the sample size of ECR cases is extremely small, this does represent nearly half (7, 44%) of ECR cases that were ordered to get a MH assessment/treatment as a condition of their probation, but only (28%) of Non-ECR and (28%) of Pre-ECR cases. Due to small sample sizes, no further analyses were conducted.

¹⁷ Cases queried in DBH MH records were limited to those cases that were disposed between 1/1/10 and 4/30/13 to overlap with the available MH data from 1/1/10-7/31/13. Matches were done on various combinations of person identifiers (IDs), including last name (including aliases), first name (including aliases), date of birth, SSN, and gender

Table 29 Mental Health Services
from Salt Lake County Division of Behavioral Health (DBH)

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases included ¹ (n)	731	1976	947	1029
Matched in MH Records (n (%)) ²	86 (12)	290 (15)	158 (17)	132 (13)
MH Assess/Tx within 1 year of Disposition or Sentence (n (%))	50 (7)	151 (8)	80 (8)	71 (7)
Of those <u>without</u> a probation condition for MH Assessment/Tx (n (%))	22 (5)	99 (7)	38 (7)	61 (7)
Of those <u>with</u> a probation condition for MH Assessment/Tx ³ (n (%))	13 (28)	30 (31)	23 (28)	7 (44)

¹Cases disposed between 1/1/10 and 4/30/13 were included in MH assessment/treatment analyses, as MH records were restricted to services provided between 1/1/10 and 7/31/13.

²If the defendant on the case was matched to MH service records at any time between 1/1/10 and 7/31/13.

³The number of cases with a probation condition for MH Assessment/Tx were: 46 Pre, 98 During, 82 Non-ECR, and 16 ECR.

Office of State Debt Collection (OSDC)

According to Salt Lake District Court procedures, cases with unpaid financial conditions are referred to the Office of State Debt Collection (OSDC) when they are 90 days delinquent. Cases sent to OSDC should be flagged in the court's database (CORIS) with a state debt flag. However, as shown in Table 30, very few cases were flagged as being sent to the OSDC (8% Pre, 6% During, 3% Non-ECR, 10% ECR). Based on communication with AOC personnel regarding the low percent of cases being sent to OSDC, it is believed that these figures do represent how cases are being processed and recorded; however, it is likely not an accurate representation of the percent of delinquent cases.

Table 30 Cases Sent to the Office of State Debt Collection (OSDC)

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Total Sample (N)	1020	2805	1598	1207
Percent of cases sent to OSDC (n (%))	78 (8)	178 (6)	52 (3)	126 (10)
Of those cases:				
Days from Sentence to OSDC (Md)	388	312	440	286

Recidivism

One year post-disposition new charge bookings into the Salt Lake County Adult Detention Center (ADC) were analyzed for cases that were not yet disposed at the QB and were not sentenced to serve time in prison (n=2,606). Additional details on the number, charge type(s), and time to recidivism are also reported (see Table 31). Around one-fourth of Pre-ECR (24%) and Non-ECR (27%) cases had a defendant who recidivated within one year of disposition, compared to one-third

(33%) of ECR Resolved cases. When restricted to new charge bookings for class A misdemeanors and above, recidivism rates only dropped slightly (19% Pre, 21% Non-ECR, 29% ECR). When interpreting these results, it is important to keep in mind that these figures do not take into account differences in types of cases, defendants, or time at risk for cases processed through Non-ECR and ECR Court. The next section of the report, *Factors Related to Recidivism*, examines potential covariates that may differentiate the groups, as well as predict recidivism.

Table 31 Post-Disposition Recidivism

	Pre	During		
		Combined	Non-ECR	ECR Resolved
Cases included (n) ¹	658	1948	937	1011
Any New Charge Booking(s)²				
6 months (%)	13	19	16	22
12 months (%)	24	30	27	33
MA and above New Charge Booking(s)				
12 months (%)	19	25	21	29
Of those with any new charge bookings within 12 months of disposition:				
Number of New Charge Bookings (%)				
One	78	61	67	58
Two	15	26	25	26
Three or more	7	13	8	16
Days from Disposition to First (Md)	152	137	143	135
Most Severe New Charge (%)				
Class C Misdemeanor	2	3	3	2
Class B Misdemeanor	19	15	20	12
Class A Misdemeanor	13	9	11	8
3rd Degree Felony	31	34	27	38
2nd Degree Felony	29	34	33	35
1st Degree Felony	6	5	6	5

¹Cases for recidivism analyses were restricted to those that were not yet disposed at the qualifying booking (QB) (n= 2793) and were not sentenced to serve prison time at sentencing (n = 2606).

²Follow-up analyses are restricted to those cases that had the full follow-up period: 6 months post-disposition (n = 2556); 12 months post-disposition (n = 2376).

Factors Related to Recidivism

Although the percent of ECR Resolved cases with recidivism in the year following disposition is higher than that for Non-ECR and Pre-ECR cases, it is also known that the ECR group included qualitatively different cases (as well as defendants) who were processed through a qualitatively different process (e.g., plea offers, timelines, dispositions, and sentences). As such, it is important to attempt to control for as many of these differences as possible prior to comparing the groups on likelihood of recidivism. Table 32 lists the factors that were initially selected for inclusion as covariates in analyzing the relationship between group membership (e.g., ECR vs. Non-ECR) and recidivism.

Table 32 Potential Covariates Influencing Likelihood of Post-Disposition Recidivism

Demographics	
Age	
Gender	
Minority Status	
Criminal History	
New Charge Bookings in 3 Years Prior to QB	
Most Severe Charge in 3 Years Prior to QB	
Current Case Characteristics	
Primary Charge Severity at Filing (e.g., MA, F3, F2)	
Primary Charge Type at Filing (e.g., person, property, drug)	
Number of Charges at Filing	
Post-Disposition/Sentence Outcomes	
Probation Status/Agency (e.g., none, Court, CJS, AP&P)	
Time at Risk ¹	

¹Time at risk: the number of days in the year following disposition where the person associated with that case was not in the ADC for any reason (including for recidivism or commitments/warrants on this or other cases).

A series of generalized linear models were run to examine the relationship between ECR status and post-disposition recidivism while controlling for other potential covariates, as well as their interactions with group membership.¹⁸ The first models compared ECR Resolved cases to Non-ECR and Pre-ECR cases, but inclusion of pre-ECR cases resulted in particularly poor-fitting models. Because these preliminary models indicated that historical cases differed from more current cases in ways that were unrelated to ECR status (e.g., nature and degree of crimes), the Pre-ECR group was removed from subsequent models and only the Non-ECR and ECR Resolved groups were compared.

The time at risk variable, although potentially an important covariate, also had to be removed due to its endogenous/exogenous nature (i.e., it could be both the cause of reduced recidivism and the result of increased recidivism). Analytic concerns relating to the time at risk variable could not be resolved through survival analyses, as time at risk in the community could occur at the beginning of the follow-up period, the end, or at pockets throughout (e.g., a commitment booking one month in, a warrant booking at six months, a new charge booking at nine). An alternative method that will allow for a correction for time at risk will be considered in the Year 3 Report, once a longer follow-up period is available to track recidivism (corrected for time at risk).

The final model predicting post-disposition recidivism between ECR Resolved and Non-ECR cases, when controlling for the main effects of covariates,¹⁹ resulted in poor classification (71% overall [93% for non-recidivists, but only 22% for recidivists] relative to a model with ECR status only at 69.9% overall). Because of the model's poor ability to discriminate between recidivists and non-recidivists, the few significant main effects will not be reported. However, across all of the models, there was a consistent trend that those with more severe criminal histories and those with property offenses as their primary charge at the current case were more likely to recidivate. Demographic factors were consistently not related to recidivism.

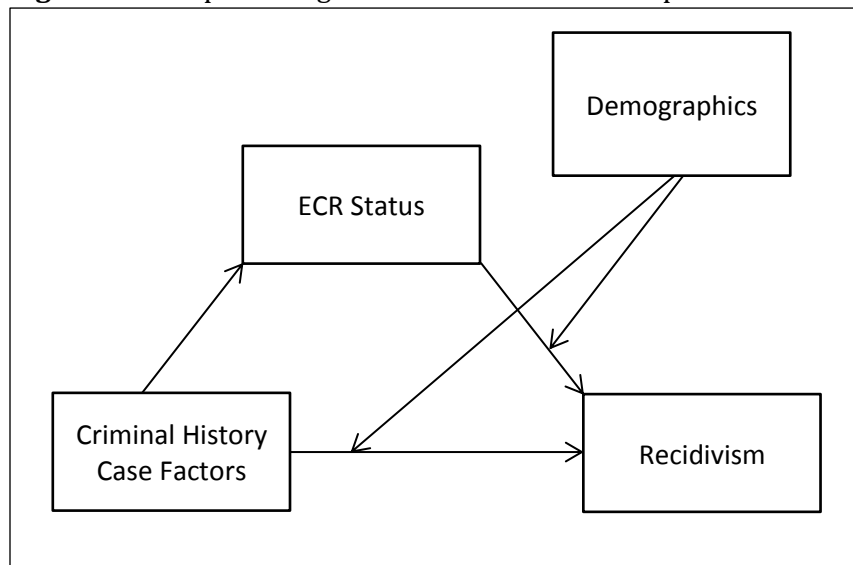
¹⁸ Interactions among covariates were also explored but did not improve the models.

¹⁹ A subsequent model that also included the interactions between group membership (ECR vs. Non-ECR) and covariates was also run, but resulted in poorer model fit (and percent classified correctly).

It should be noted that an analysis of recidivism at one year post-disposition is premature and results should be considered preliminary and viewed with caution. With longer post-disposition follow-up, the time at risk in the community to potentially accrue recidivism should increase for all groups and could potentially even out. The final ECR (Year 3) report will examine two year post-disposition recidivism rates to determine if ECR Resolved cases have a higher recidivism rate at that time.

Given what was learned from the analyses conducted from this interim report, a new analytic approach will be considered once a longer follow-up time is available for analysis of recidivism. Rather than considering the factors in Table 32 above as covariates of ECR status, they will, instead, be considered in a more complicated structural model that allows for ECR as mediator and, hence, both direct and indirect effects of other factors on recidivism. Such a model, presented conceptually in Figure 2, would allow for ECR status to be caused by certain predictors (given that ECR cases are selected based on certain histories; e.g., third-degree property and drug crimes [See “Case Factors” in Figure 2]) and, in turn, would also allow it to be examined as a causal factor in predicting recidivism (given that the ECR group is composed of distinct individuals). Other factors that do not predict ECR status could be examined through direct effects (e.g., gender and age; see “Demographics” in Figure 2). This analytic approach would inform whether ECR is related to recidivism, but also whether ECR cases are of a significantly unique composition such that the effect of ECR on recidivism can be understood by the unique composition of the cases rather than due to ECR alone as a cause of differential recidivism (should a difference be present with a longer follow-up period). It should be noted that Figure 2 represents one of many modelling approaches that could be examined.

Figure 2 Conceptual Diagram for Two Year Post-Disposition Recidivism



Discussion and Next Steps

The implementation of Early Case Resolution (ECR) has represented a major policy and practice change for partnering agencies in Third District Court. As illustrated in the *Summary Narrative of ECR Court* section of this report, fundamental roles and responsibilities had to be transformed to undertake the systems change required to successfully expedite processing for qualified cases. This second year report on ECR has confirmed the findings from the first year report in regards to the types of cases processed through ECR and the speed of handling. Non-person, property, and drug crimes are being handled more often through ECR and case processing timelines from offense through sentencing are speeding up for all During ECR cases, particularly those resolved in ECR Court. Another example of increased efficiency is the drop in the number of probable cause warrants issued. As preliminarily explored in the first year report, a smaller proportion of cases disposed in ECR have their primary charge (or all of their charges) dismissed; however, a larger proportion of ECR Resolved cases have their primary charge reduced at disposition. This likely reflects the ECR process: the DA's Office identifies cases that are eligible for ECR and comes to the initial arraignment with a sentence offer. Especially when compared to Non-ECR handled cases, a larger percent of ECR Resolved cases that are filed as second-degree felonies have their primary charge reduced by two degrees (to a class A misdemeanor) at disposition. This level of reduction is more in line with how similar cases were disposed in the Pre-ECR period.

New to this year's report is an examination of sentences received, as well as post-sentence outcomes (i.e., hearings, warrants, compliance/completion, and recidivism). Typically, when compared to similar cases disposed in Pre-ECR or Non-ECR, more ECR cases appear to be receiving less severe sentences. For example, although similar amounts of ECR cases are sentenced to jail, the average jail sentence (whether for credit for time served (CTS) or for overall days to serve) is substantially less. In the instance of cases disposed as third-degree felony drug, ECR Resolved cases have a median of 30 days to serve in jail, compared to 90 for Pre-ECR and 180 for Non-ECR. Similarly, across most case types, ECR Resolved cases often have a lower percent ordered to probation, and, of those, a higher percent ordered to Court or CJS probation (instead of AP&P). A higher percent of ECR Resolved cases were also ordered to shorter probation terms (e.g., 12 and 18, rather than 36 months). ECR Resolved cases often have a higher percent receiving sentences to non-confining forms of punishment such as community service, fines, and attorney's fees. It also appears that fewer ECR Resolved cases are being ordered to substance use or mental health assessment and/or treatment as conditions of probation. However, because of the design of this study, it is difficult to hypothesize whether this is due to fewer defendants requiring these types of services being processed through ECR and/or due to less screening information being available at the time of the initial sentencing.

In regards to post-disposition and post-sentence outcomes, it appears that scheduled hearings (regardless of group) are largely a function of offender noncompliance. For example, when cases that had concurrent FTA/FTC warrants during the same time periods were removed, the percent of cases with hearings was around one-quarter to one-third of cases having at least one hearing in the year following sentencing to any form of probation. Of those who have been unsuccessfully terminated from CJS and AP&P probation, time to termination is faster for ECR Resolved cases than Non-ECR. It is uncertain if this represents quicker time to noncompliance among offenders processed through ECR or a greater likelihood for probation agencies to more quickly terminate unsuccessful ECR cases. The latter hypothesis may be supported through interim noncompliance data available from CJS probation which shows that percent of cases with noncompliance is

relatively similar between ECR Resolved and Non-ECR cases at three, six, and twelve months post-sentence.

Preliminary analysis of one year post-disposition recidivism showed a slightly higher rate for ECR Resolved cases (33%) compared to Non-ECR (27%). Several predictive models were run to look at the relationship between group membership (e.g., ECR vs. Non-ECR) and recidivism after controlling for other potentially significant covariates (e.g., criminal history, current case type, and degree). None of the models were particularly predictive and several limitations of the data were noted. As such, it is proposed that a mediated model be conducted for the third year report that examines the mediating effect of case processing (e.g., ECR vs. Non-ECR) on the other factors' direct effects on post-disposition recidivism. This analysis will also be more meaningful with two years follow-up data that will include more opportunity for re-offense among offenders who were incapacitated in the jail for a portion of their one year follow-up period.

The third and final ECR report will provide the proposed in-depth examination of two year post-disposition recidivism, as well as an analysis of post-sentencing practices for the second sentencing, which typically occurs in response to noncompliance with the initial sentence. Results from the first sentence received in this report demonstrate that ECR cases typically receive less severe sentences. An examination of post-sentencing will explore whether those differences are diminished through post-sentencing practices.

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Appendix A: Variable Definitions

Disposition	True Disposition Date was the measure used (<i>source CORIS</i>)
Disposition to Sentencing	Disposition to sentencing is the days from the True Disposition Date to the first Sentence Docket Minute Entry that had sentence types (e.g., probation, fines) included (<i>source CORIS</i>) See Appendix B for further explanation of Sentence methodology.
During ECR	The year selected to represent the During ECR time period: 10/1/11 – 9/30/12. ECR processes began in early 2011. October 1 st was selected as starting point because changes in ECR operations and data collection were more frequent prior to that date
ECR Resolved	Cases were identified as ECR Resolved if their True Disposition Date fell within a date range when the case was assigned to an ECR judge (<i>source CORIS</i>)
Filed within 17 days of QB Release	This timeline was used as a proxy for the Notice to Appear (NTA) process implemented during ECR Court. Defendants who were released from the jail prior to their case being filed were given an NTA date of approximately two (2) weeks after their release. When accounting for weekend releases, the maximum NTA date was 17 days following release
Filing Date	The date the case was filed with the court (<i>source CORIS</i>)
Non-ECR	Cases were identified as Non-ECR if they were NOT assigned to an ECR judge on their True Disposition Date (<i>source CORIS</i>)
Notice to Appear (NTA)	During the ECR year, defendants who were released from the jail prior to their case being filed were given an NTA date. Defendants were told to appear in ECR Court on the date that was listed on their NTA form. The NTA date was set out approximately two weeks from the jail release date
Offense to Filing	Days from offense date to when the case was filed with the Court (<i>source CORIS</i>)

Post-Disposition Cases	Cases that were already disposed (<i>source CORIS</i>) at the QB (<i>source OMS</i>). These cases were excluded from the Year 1 Report, but are included in some of the analyses in the Year 2 Report
Pre-ECR	The year selected to represent the Pre-ECR processing time period: 1/1/10-12/31/10. Calendar Year 2010 was selected because the entire time period immediately preceded the implementation of ECR in early 2011.
Primary Charge	The most severe charge for a court case. Sequence 1 was the measure used (<i>source CORIS</i>)
Qualifying Booking (QB)	Randomly selected jail bookings for Class A Misdemeanor or Felony (new offense or warrants only). This was the starting point for inclusion in the study (<i>source OMS</i>)
Subsequent Charge(s)	Additional charge(s), after the primary charge, that are part of a court case. Sequence > 1 was the measure used (<i>source CORIS</i>)
Total # of Pre-Disposition Hearings	Total number of hearings prior to the True Disposition Date. If the first hearing was the disposition date, the value in this variable would be 0 (<i>source CORIS</i>)

Appendix B: Sentences Received Methodology

Sentences examined in this report came from Sentence Docket minute entries in CORIS. Each minute entry is identified by a unique “minute entry ID” (me_id). Each case can have multiple minute entry IDs on multiple dates, depending upon how often that case is (re-)sentenced. Although the majority of sentences are entered as free text in the minute entries by court clerks, they are organized under “minute entry screen IDs” (me_screen_id) and “minute entry field IDs” (me_field_id) in the CORIS database that can be used to partially automate the examination of sentences received and reduce the need for manual data collection from court dockets in XChange. The following sections describe the methodology used to identify the primary sentences received, as well as verify sentences and remove unnecessary minute entries.

Sentence Received Categories

Community Service

Used minute entry field IDs of COMMSER, CSFINE, CSJAIL to get amount of community service ordered and compared to CSUNITS to convert all to hours.

Probation

Used me_screen = SENTPROB and me_field = PROBUNIT with me_field = PROBLENG to capture length of probation ordered and convert all to months. Probation Supervision agency was created from me_screen = SENTPROB and me_field = SUPERBY, with three main categories being indicated in the free text field: 1) court/good behavior, 2) SLCo/CJS, 3) AP&P. Created a separate variable for reinstating probation from the amount of months in REIPROMM.

Fines

Restricted fine amounts to values in two me_fields: FINETOTL and TFINEDUE. These two fields were selected as they most often appeared to take into account fine amounts sentenced and suspended and summed the final amount due. Although fine data can be entered in many different ways, it was determined that these two fields would provide the majority of fine information in a consistent manner.

Other Monetary Obligations

From screen_id = SENTTRST or POSTTRST, the me_fields = TYPES & TYPES2 were converted into flags that indicated if other monetary obligations were part of the sentence. These fell into two categories: attorney’s fees and restitution.

Prison

In me_screen = SENTPRIS or POSTSENT, used me_fields of FIRST through EIGHT (8 values) to carryover free text description of prison sentence (e.g., “10-Life”). Then all free text prison descriptions were combined into the three most common categories: 0-5 years (combined the few 0-1 with these), 1-15 years, and Up to Life (combined the few 5-Life with 10-Life, etc.). Used the me_field = PRSNSUSP to create same three categorical variable for amount of prison suspended.

Combined information from sentenced and suspended to create a final “prison to serve” categorical variable ordered from least severe (none sentenced) to most severe (up to life sentenced and not suspended).

Jail

The following me_fields were combined to determine which unit (e.g., days, months) was used for jail sentences: CTSUNIT, CTSUNITS, JAILUNIT, JSNTUNIT, and JSUSUNIT. Jail credit for time served (CTS) was carried over into an individual variable from me_field = CTSAMT. Amount of jail sentenced could come from the following me_fields: JAILAMT, JAILSENT, or JAILTIME (but only if within me_screen = SENTJAIL). Amount of jail suspended came from me_field = JAILSUSP.

Individual sentence entries (me_ids) could have more than one value in each jail sentenced field (e.g., JAILAMT, particularly if the case had multiple charges/counts). Individual sentence entries (me_ids) could also have more than one value across the three jail sentence sources (JAILAMT, JAILSENT, or JAILTIME). As such, the following steps were taken to combine disparate sources of jail sentence information:

- a. If only one of the three jail sentence sources (amt, time, or sent) had a value – use it
- b. If more than one of the three jail sentence sources had a value – but they were the same, use it
- c. If more than one of the three jail sentence sources had a value – and they were different – flag for hand checking in docket
- d. If none of the three jail sentence sources had a value – but there was a value in the CTS amt (credit for time served) variable, use it as jail days sentenced

Actual jail to serve was computed by subtracting jail suspended from the combined jail sentence variable (which included CTS if that was the entire sentence). A flag was created if the length of the entire jail to serve was equal to the value of days from credit for time served (CTS).

A flag was also created if there was a suspended jail day “balance” that remained after computing actual time to serve. This “suspended balance” flag was used, rather than actual value of days suspended, for two reasons: 1) due to multiple charges/counts per case it was difficult to determine the exact value of days suspended (e.g., counting multiple counts as consecutive vs. concurrent), and 2) offenders are rarely sentenced to (or serve) the entirety of their suspended balance due to several reasons (e.g., “good time” reductions, overcrowding). As such, an indicator of whether or not any balance remained that could be applied at post-sentencing was deemed a sufficient indicator of jail days suspended.

Jail Hand Cleaning. Minute entries with disparate values between the three jail sentence sources were hand checked in XChange and 81% required some modification. Minute entries that had some jail me_fields, but no values for jail sentenced were also hand checked in XChange and 57% required some modification.

Assessment and Treatment Probation Conditions

Assessment and treatment conditions were identified within the SCONPROB and POSTCOND minute entry screens. Logic was used in Microsoft Excel to identify free text entries with the following flags based on text elements anywhere within them:

- a. Treatment/assessment is ANY of the following terms: assessment, CATS, counseling, counselling, DORA, drug court, evaluated, evaluation, substance abuse, substance issues, therapy, treatment, tx, VMH, Valley Mental Health
- b. Mental health is ANY of the following terms: mental health, MHC
- c. Domestic violence is ANY of the following terms (used this flag to “back out” assessments and tx that were not SUD or MH): domestic violence, DV, domestic
- d. Sex offender is ANY of the following terms (used this flag to “back out” assessments and tx that were not SUD or MH): sex offender, sex

Minute entries were identified as likely for assessments/treatment for substance use disorder (SUD) if the treatment flag was present, but none of the subsequent ones (MH, DV, or sex). Minute entries were identified as likely for MH assessments/treatment if the MH flag was present (with or without the treatment flag).

Hand Cleaning Plea in Abeyance and Disposed/Not Yet Sentenced Cases

Cases with a disposition of plea in abeyance (PIA) and cases that were disposed, but not included in the sentence docket minute entries, were both hand checked in XChange court dockets. Disposed cases that were not in the sentence docket minute entries were confirmed that they were not yet sentenced. For those that were (and for the PIA cases), the first sentence received was hand recorded in the database for the previously described sentence categories.

Overall Sentence Cleaning Adjustments

One hundred randomly selected minute entries (that did not require hand data entry/checking for any previously identified reasons) were compared back to court dockets in XChange to determine if any systematic errors were occurring in the semi-automated process. Only 11% of minute entries had errors and most were relatively minor (e.g., 5 of 11 missing CS hours, 3 missing restitution or jail, 1 each missing probation extension, fine, and attorney’s fees; sums to more than 11 because a couple of the minute entries had more than one problem). Due to the large number of minute entries to be cleaned for sentencing data (over 185,000 rows in over 11,000 minute entries) and the indication that missing/incorrect data was relatively minor, it was determined that the semi-automated process described here would be used to define and report on sentences received.

Removing Minute Entries without Sentences

Approximately one-third of minute entries did not have any of the previously mentioned main sentence types received (e.g., probation, prison, jail, financial conditions, CS), and, as such, appeared to contain no real sentencing. One hundred of these were randomly selected for hand data checks in XChange court dockets. This examination revealed that 93% were “correct” and did not contain any sentencing. The most common example was a minute entry that said sentencing was scheduled for a later date. Seven percent were minute entries where sentence information was only entered in free text fields and/or not under the primary me_screens and me_fields used to capture sentence types above. As there was no way to automate collection of sentence data from these type of entries (and the majority of blank minute entries truly were ones where sentencing was scheduled for a later time), these minute entries were removed from analyses and those with some sentence information indicated were used to identify first (and subsequent) sentencing on each case.

Appendix C: ECR Cover Sheet for Judges

COVER SHEET FOR JUDGES ON ECR

This cover sheet will provide a general explanation of the Early Case Resolution ("ECR") calendar, what you may expect and an explanation of the "protocols" we have established to create some uniformity in our rotation assignments in ECR.

Overview. The ECR Court was established to handle qualifying cases, designated as ECR cases, in a more expeditious manner. Its premise is to provide the "same justice sooner" by using resources at an earlier stage in the criminal justice process. It has an additional goal of incorporating key principles of smart sentencing practices (outcomes that are swift, certain, appropriate and predictable.) Under the ECR program, the state prosecutor screens and designates cases as ECR eligible or Non-ECR eligible. State cases designated as ECR eligible will be handled expeditiously on the ECR calendar. Non ECR eligible state cases will be assigned out of ECR to a criminal judge. State cases not eligible for ECR resolution may include felony 1 charges, violence and physical harm cases, felony DUI's, sexual offenses, certain distribution of controlled substances, complex restitution cases, and any case in which a defendant is currently under AP&P felony supervision on a Non-ECR case. If the new felony charges form the basis of a felony OSC on another judge's criminal calendar, then that case is not ECR eligible and will be transferred to the judge handling the felony OSC. City cases are not subject to these same qualifying limitations and City litigants may propose for resolution any and all cases at the first appearance.

This is a Rule 11(h)(1) court. Accordingly, prior to the judge accepting the defendant's plea, Pretrial Services ("PTS") and AP&P ("Adult Probation and Parole") will apprise the Court of the defendant's criminal and probation history and the basis for the plea (including whether the defendant was on probation when committing the current offense). The attorney will inform the Court as to the proposed sentence. The judge is then free to accept or reject the plea or sentencing recommendations, but must advise counsel and the defendant if the Court does not concur with the plea or sentencing recommendation before the plea is entered. Should the Court want to change the terms of the proposed plea or sentence, the Court should inform the parties prior to accepting the plea or proposal. The Court may also inform the parties if it would accept the plea under additional or modified conditions. The defendant, after consultation with counsel, is free to either accept or reject the proposed modification. If the defendant rejects the modifications, the case will be allowed to remain in the ECR Court for further negotiations as long as it complies with the 30 day rule. It is generally recognized that if you consider a case as a "Zero Tolerance," probation should

not be in the ECR Court. Accordingly, there is no "Zero Tolerance" language in this Court.

Process for State Cases.

Intake at Jail. At booking at the Salt Lake County jail, PTS will meet the defendant and determine if he/she may qualify for indigency appointment of counsel and/or Pretrial Release. If the defendant qualifies, PTS will fill out the indigency affidavit and send it electronically to the District Attorney and the Court. Those affidavits are reviewed and signed by the ECR judge each day. Based on those affidavits, Salt Lake Legal Defenders Association ("LDA") will be immediately appointed to qualifying non-represented defendants. If the defendant is granted Pretrial Release, the defendant will be given a date to return to ECR for his/her first appearance as set forth in the next paragraph.

First Appearance for NTA Defendants. On all defendants not being held in custody, PTS will provide a Notice to Appear ("NTA") date to the defendant upon being released. These NTA defendants will appear for a first appearance on the ECR calendar three weeks later and usually only then meet their counsel for the first time at that appearance. Some of those defendants will arrive in court and no Information will have been filed by the DA's office. A representative of PTS will generally go through the calendar and circulate through the courtroom asking each defendant their name and reviewing whether they are on the calendar for that day, as only defendants who have Informations filed against them are on the calendar. The non-calendared NTA defendants who are subject to a jail release agreement shall be directed to appear before the Court and the Court should address their release status. The other remaining non-calendared will be excused by the PTS representative after being advised that they are not on the calendar, and that they will likely receive a summons in the mail once an Information is filed.

First Appearance for ECR Defendants Remaining in Custody. State defendants remaining in custody after PTS intake will meet their assigned counsel prior to their first court appearance. Ideally discovery and a plea offer will have been exchanged before that meeting and counsel will ascertain with the defendant whether a plea will resolve the case at the first ECR appearance. Assuming the ECR eligible state defendant is prepared to enter a plea, the Court will ask PTS and AP&P the criminal history of the defendant, including whether the defendant is currently on felony probation with another court and otherwise take the plea and impose the sentence. At the in-custody state defendant's initial appearance, because of the prior exchange of information and the meeting between defendant and their assigned lawyer, meaningful bail release hearings, pleas and sentencing are expected to occur. PTS will be prepared to provide any explanation the Court may want on why the defendant was not released to PTS, prior criminal history, success on previous pretrial releases

and place to live information. Even when counsel has met with their in-custody state defendants prior to the initial appearance, the Court should expect a certain amount of negotiation to occur between the DA and defense counsel.

First Appearance for Non-ECR Defendants. In-custody state defendants designated as "Non-ECR" eligible are appointed counsel, if not already done, given a copy of their Information, the charges are read or summarized, and the Judge will then assign the defendant to an assigned judge from a prepared list at the Judge's bench. State cases will be assigned as a "Schedule 1 Conference" ("SC1") on the appropriate judge's calendar in Matheson or West Jordan. All Non-ECR state misdemeanors and City misdemeanors will be given an assigned judge and scheduled for a misdemeanor preliminary hearing.

City Cases. All City criminal cases come through the ECR calendar although City cases do not rigidly follow the ECR pattern of discovery exchange, meeting with defendants beforehand or the exchange of plea offers. In short, City litigants seek early resolution if they choose to, limited only by the thirty day rule discussed later in this outline.

Personnel. You may expect four DA's in the courtroom, four legal defenders, private defense counsel, two representatives from PTS (one who is prepared to provide answers regarding pretrial release and criminal history and the other to speak to defendants scheduled to appear but not on the calendar), two representatives of Adult Probation and Parole (who are prepared to provide criminal history, probation history and/or OSC violation recommendations), and three clerks from the court. Additionally, you will have on Mondays, Wednesdays and Fridays municipal cases with City prosecutors, defenders and defendants.

Specific Court/Judge Protocols:

1 **Take the Bench at the Appointed Time and Stay on the Bench.** ECR court begins at 8:30 a.m. and 1:30 p.m. every day except Friday, when only the morning session will be held. In order to promote the expectation that all parties be present at those start times, judges should always take the bench on time. Once the judge has taken the bench, the judge should remain on the bench. The judge's presence will assist in keeping the courtroom process moving.

2 **Call State Non-ECR and Fugitive cases first.** The holding cell will typically be full of defendants each day, and on many days the bailiff is required to use a holding cell in the courtroom above the ECR courtroom just to accommodate the volume of defendants. Non-ECR eligible cases require very little time from the Court and it helps to quickly reduce the chaos in the holding cell by calling Non-ECR cases early in the calendar. Private counsel with a Non-ECR defendant and

one of the four felony LDA who generally handles the LDA appointed Non-ECR felony cases, should be ready to go within a few minutes of the beginning of the calendar to call cases and handle the assignment of these Non-ECR cases to an assigned criminal judge. The DA will prepare and provide to the Court at the beginning of the court session a list of all Non-ECR cases on the calendar (your calendar will also highlight the designation). Either as counsel are ready at the beginning of the calendar or after an appropriate interlude during which you are handling other things, you may inform the counsel handling Non-ECR cases that you will begin calling those cases when there is a lull in the calendar. Typically, you can expect the private counsel and the LDA handling the Non-ECR cases to have already begun calling those cases.

3 **Time Limits.**

(i) 30 Day Rule. No ECR designated case may remain in ECR for more than 30 days, except Mental Health Court or Drug Court screening cases, which should remain in ECR until screening is complete. As such, do not calendar any matter beyond 30 days of the first appearance. If a case needs more than 30 days time, then it is a Non-ECR case. Time will be available on the assigned trial judge's calendar and there is no reason to hold a case in ECR beyond 30 days. If you are asked to schedule a matter beyond the 30 day period, the answer is "No." The clerks of the ECR Court will designate the court hearings as "First Appearance," ECR2 and ECR3, so you will know both what the hearing is and whether you can have any additional ECR hearings.

(ii) No More Than Three Court Appearances. All cases, except for the two exceptions noted above, may have no more than three court appearances on the ECR calendar, which includes the first appearance. As you schedule subsequent appearances on the ECR calendar keep in mind that Wednesday mornings are particularly busy, with State, prison and municipal cases all on the same calendar. Do not schedule subsequent hearings on Wednesday mornings.

(iii) Restitution Hearings. If there are objections to restitution, a review will be set in ECR and the matter resolved there. No restitution hearing on an ECR case may be placed on any other calendar than the ECR calendar. If the restitution issues are complex, this is not an ECR eligible case. Such a hearing(s) does not count as the three-hearing rule.

(iv) OSC. All Orders to Show Cause on ECR cases remain in the ECR court. If a matter is back on Bench Warrant or Order to Show Cause, handle it as they need to be handled as expeditiously as possible. No case on an OSC may be scheduled beyond 30 days once it is back on the ECR calendar. If the allegations involve new felony criminal charges, then the OSC will be handled by the Court handling those new charges. As to sanctions for violation of probation in ECR,

treat it as you deem appropriate as outlined in the overview paragraph above (outcomes that are swift, certain, appropriate and predictable). OSC hearing(s) do not count as to the three-hearing rule.

(v) Bond Hearings. The ECR judge may address bond/release requests and, absent extraordinary circumstances, formal notice need not be given to the prosecution. For all ECR cases the Court's consideration of bond/release will not count against the defendant as a first/only bond hearing. For Non-ECR cases, however, a request for bond reduction at the initial appearance in ECR will require notice to the DA and count as their statutorily required bond hearing and a Non-ECR defendant will not be allowed a subsequent bond hearing at the SC1 conference before the assigned judge.

4 **Court Probation.** Defendants placed on "Court supervised probation" need to be tracked so that compliance actually takes place. Any matter set on court probation **must** be set for a review on the ECR calendar approximately two months before probation ends. They will show on the ECR calendar as "Court Probation Review." It would be helpful for both timely probation compliance and court tracking if a judge incorporates as part of the sentence a time deadline for community service (i.e. a certain amount a month), payments (a certain amount a month), treatment (assessment within 30 days and to be in treatment within 60 days).

5 **Signing.** There is a substantial volume of signing both in and out of court each day. In court you will receive Informations which need to be issued and bail set. Review those while on the bench and place them in the basket provided on the bench for them. Inform the court clerk that the Informations have been signed and are ready for pickup so the court clerk can notify the proper parties.

You may also be called upon to review and sign Orders setting forth requirements for pretrial release while in court. Again, PTS will be prepared to answer any questions you may have on prior criminal history or pretrial release history.

Additionally, each day you will receive indigency affidavits to approve, progress violation reports, Orders to Show Cause, and other material which must be reviewed and handled by the assigned ECR Judge that day. It is not appropriate to refer these matters to the signing judge, as these are ECR matters and should be handled in ECR. In order to insure LDA's are appointed and the process works, the judge must complete this signing each day and return it to the ECR clerks for further action before the close of court each day.

6 **Signing Efiled Orders.** During your week in ECR, you will receive ECR efiled orders in your queue. These Orders will appear in **your** queue under the CORIS judge (JUDGE ECR) and must be reviewed and signed promptly. These Orders, although appearing in your own queue, should

be processed only by the ECR team, rather than your own clerks to ensure continuity. You will receive an email notifying you when there are efiled Orders for your review.

If you are granting a Motion to Continue and the Order has a blank space for the new date, do not sign or complete, but instead reassign it back to Christell Farnsworth, who is the court clerk's gatekeeper for ECR, with a note in efilng that you are granting it. She or the ECR team will contact counsel to schedule a date, enter the new date and sign on your behalf, thereby notifying counsel. The ECR team will then calendar that date in CORIS.

Other Orders that you may grant or decline to sign should be completed in full by you. They will automatically appear back in Christell's queue for processing post signature.

7 **Judge Assignments.** All cases leaving ECR need to be assigned to a specific judge and you will have on the bench a rotation sheet on which you will find the next judge to be assigned in Matheson or West Jordan. Assign that judge and the date of their next appearance and then check the box so the next assignment will go to the next judge on the list. Often requests will be made to assign the case to a specific judge because the defendant already has a case(s) before that judge. You may assign that judge out of sequence for such a reason and if you do, find the next box for that judge and check it so the distribution remains equal over time.

On the judge assignment log, all assignments to a specific judge will be cut off on the Tuesday preceding the next Monday law and motion calendar judges, and on the Monday preceding the next Friday law and motion calendar judges. The ECR clerks will routinely block out the dates as described herein so judges need not worry about it. No judge may request to "cap" a calendar, except for vacation or non-scheduled court days.

8 **State defendants who have not met with their counsel prior to the first appearance.** It will happen that an in-custody ECR qualified state defendant may not have been able to meet with counsel prior to their first ECR court appearance. In such circumstances counsel should advise the Court which clients have not been met with before court. When that case is thereafter called you may set another court appearance after the defendant has been given a copy of the Information and been advised of the nature of the offenses. Schedule a second appearance whenever counsel wants within the 30 day window and have counsel move on to their clients who are ready to plead or opt out of ECR. It is also within the Court's discretion to allow some latitude to counsel to engage in limited negotiation during the court session with these defendants in order to determine if resolution is possible. It is further within the Court's discretion to inform all parties that negotiations will not be allowed to

continue due to time considerations, and those matters will be set over for a second appearance within the 30-day window at a time requested by counsel. Our judges are encouraged, time permitting, to take all pleas ready for disposition in ECR and otherwise permit the lawyers to resolve cases within the 8:30 a.m. to noon and 1:30 p.m. to 5:00 p.m. time set out as the time allotted for ECR disposition. In short, move the calendar along but do not shortchange counsel the time allocated for ECR Court.

An important component of handling in-custody ECR qualified defendants prior to their first ECR Court appearance is the transfer of discovery and an offer from the DA to defense counsel. This is the expected norm for the ECR Court. Unfortunately, there are at least two circumstances when this timely exchange between the DA and defense counsel does not occur. First, some in-custody indigent defendants have not been appointed counsel prior to their initial appearance. Second, in some cases the DA is unable to provide discovery and an offer to defense counsel in time for counsel to meet with their new client prior to the initial appearance. When an in-custody state defendant has not had the opportunity to meet previously with their counsel, follow the procedure as outlined above.

9 **Ingress and Egress.** No matters get assigned out of ECR court once they are pled and sentenced in ECR court. Likewise, no cases come back to ECR court once they have left. You may be asked to accept cases back into ECR to effect a global resolution--the answer is "No." Send the ECR case to the assigned judge where the other cases exist so the global resolution may take place on that calendar, rather than the ECR Court.

10 **Specific Judge/Clerk Case Processing Protocols.**

(i) ECR Hearing Designations. All scheduled hearings in ECR should be designated as follows:

- (a) First Appearance; or
- (b) ECR2 (2nd ECR appearance); or
- (c) ECR3 (3rd ECR appearance); or
- (d) Mental Health Court, or Drug Court Screening Hearing.
- (e) Court Probation Review (CPR)

Any scheduled hearing leaving the ECR Court should be designated:

- (a) Scheduling Conferencel ("SC1") for all felonies;
- (b) Preliminary Hearing for all misdemeanors set on a prelim calendar

(ii) Progress Violation ("PV") Reports. When PV/Stay reports are sent to the court, usually by email, the ECR clerk team will submit them to the ECR judge every day. For most requests, if no conflicting information or red flag exists, expeditiously grant or deny the PV request and return to the ECR clerks.

(iii) Debt to Office of State Debt Collection ("OSDC").

Generally, monies are not referred to OSDC until 90 days past due. There may be caveats for cases where there is a prison/jail sentence or deportations. Between 1 and 90 days past due, the debt collection department on the 1st floor will send collection letters seeking payment. That department will send a docket to the ECR judge requesting authorization to send to OSDC when the 90 days has past and collection letters have failed to produce payments. In the event the court desires to use OSDC prior to a 90 day past due period, it would be helpful if the Court minutes reflect at sentencing that if the payments are past due, the court may send to OSDC. This will permit the debt collection department to send directly to OSDC rather than making the request to an ECR judge.

(iv) Pleas in Abeyance. The Court retains jurisdiction on these cases even after the PIA term has expired for purposes of compliance. The court may issue warrants for failure to comply as well as sending past due fines/fees to OSDC.

(v) Indigency Declarations. The ECR clerk team will submit indigency declarations to you each day on cases which have been filed. These are exclusive to ECR. You will receive a declaration that merely indicates that the defendant "meets guidelines". This signifies that the pre-screening information at the jail supports the indigency designation. Sign them promptly and return to ECR clerks so LDA may be advised of their appointment to represent them. Sometimes the time between the indigency declaration from booking and the filing of the court case exceeds a reasonable amount of time. If you feel this is the case on a particular indigency declaration, you may choose not to sign it and re-address the indigency status of the defendant in the courtroom at the first appearance. This means, however, this defendant will not be represented prior to the first appearance thus defeating the purpose of ECR resolution at first appearance. As such, please don't nitpick these declarations.