



August 2020

Report No: ILR 2020-G

Representative Christine F. Watkins  
Utah House of Representatives  
350 North State, Suite 350  
Salt Lake City, Utah 84114

**Subject: A Survey of Drug Court Sanctions – Price, Utah**

Representative Watkins,

You requested that our office determine whether inequitable sanctions were being given to individuals at the Drug Courts in Utah's 7<sup>th</sup> Judicial District, located in Price. This request was approved by Speaker Wilson and President Adams for limited survey work. You were particularly concerned about a seemingly high rate of default back to jail among female participants. While data issues kept us from being able to fully determine whether these scenarios were occurring, we found the following practices were in place to reduce the risk of inequitable sanctions:

- Use of jail time appears to be limited in duration and frequency in recent years.
- A Sanction/Incentive Matrix is in place. This gives guidelines as to what level of sanction or incentive a judge can give based on the Drug Court task accomplished or offense committed. Sanctions can range from community service hours to incarceration. However, the 7<sup>th</sup> District Drug Court's practice is to consider other sanctions before considering jail time.
- The Judicial Council certifies each drug court, based upon assessment and information collected by Administrative Office of the Courts (AOC) staff. The certification is based on implementation of national best practices from the National Association of Drug Court Professionals.
- Limited tracking of outcomes does exist.

While improvements can be made to allow for more consistent tracking and review of outcomes, we believe practices are in place to guide decision making. Ultimately, each judge has discretion on sanctions, which could lead to differences in what is imposed. Improved and more accessible aggregate measures could better guide those decisions.

To better understand the process at drug courts, we attended a drug court and reviewed numerous cases. In addition, we spoke with the judge and other court officials afterward, as well as the local treatment provider and observed how all parties work together to help individuals in drug court to succeed. Drug court staff are expected to attend each court proceeding. The Drug Court judge relies on treatment providers, Adult Probation and Parole officers, participant trackers, and county attorneys to provide needed support for participants. Each participant reports to the judge their progress and how they are progressing in the phases of the Drug Court program.

### **Drug Court Sanction Data Can Improve**

Regarding the data issues with determining sanctions, more robust data is needed to provide relevant analysis. Our initial observation of the data found that community service is the most common sanction imposed. We specifically searched the data for “jail” as a sanction and found its use was limited. While our review was limited, the use of jail as a sanction appears to be decreasing in duration and frequency. We do believe AOC and individual district courts should further review outcomes and sanctions imposed to ensure fairness and consistency.

The AOC maintains data pertaining to sanctions and other court decisions. To better understand how judges and district courts are using sanctions and incentives, the AOC needs to better track this information. Tracking the type of infraction and accompanying sanction would allow for analysis of outcome and equitability.

Last year, the AOC implemented a new data system to better track sanctions. We feel this information will allow for better tracking and analysis of sanctions and outcomes. We recommend that all District Courts and the AOC use this information to help improve the system and outcomes. Currently, the Division of Substance Abuse and Mental Health maintains data for treatment (such as positive outcomes and number of days in treatment). This data would need to be tracked along with the sanctions data, to provide better outcome data.

To summarize, although our work was limited, we believe the data shows less use of jail time as a sanction. We previously discussed these conclusions with you and we mutually agreed that further work need not be performed.

Still, a full audit and robust review of sanctions given over several years would be needed to fully evaluate the equitability of sanctions imposed. If you sought a further request, and if approved by the Legislative Audit Subcommittee, additional work could be done to review historical sanctions across all drug courts statewide to compare equitability and practices. While the AOC does maintain data, it would require a full audit to evaluate it adequately and fairly. You also might be interested to know that three additional audits of

various aspects of Utah's criminal justice system are currently being conducted that review the use of data, coordination, and outcomes.

We hope this letter addresses your questions regarding sanctions at the Drug Courts in Utah's 7<sup>th</sup> Judicial District located in Price. We thank you for the survey request. If you have additional questions, please feel free to contact Darin Underwood at 801-326-1741.

Sincerely,

A handwritten signature in black ink that reads "Kade Minchey". The signature is written in a cursive style with a large, prominent "K" and "M".

Kade R. Minchey, CIA, CFE  
Auditor General

CC: Darin Underwood, Deputy Auditor General  
Tyson Cabulagan, Senior Data Analyst/Lead Auditor



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

Hon. Mary T. Noonan  
State Court Administrator  
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Deputy Court Administrator

July 27, 2020

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Via email to:

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Re: Response to "Exposure Draft" of report, A Survey of Drug Court Sanctions – Price, Utah (ILR 2020-F)

Dear Mr. Minchey,

Thank you for the opportunity to respond to the exposure draft of "A Survey of Drug Court Sanctions – Price, Utah" (report number ILR 2020-F dated June 2020). We concur in the report, finding it to be a helpful and concise statement of the issues.

With respect to the recommendation provided in the report — regarding the collection and assessment of data — be assured that this is a priority for the courts. As research has been published, the courts have made significant efforts to ensure our problem solving courts are operating with fidelity to best practice standards related to both incentives and sanctions. Consistent with the recommendation in your report, we are working to collect more detailed data regarding incentives and sanctions imposed by problem solving courts. This will allow us to better understand which interventions are most likely to result in meaningful improvement for program participants. Our efforts in this regard include the new data system mentioned in the report. We believe that as we collect and assess this aggregate data, we will be able to further refine our approach and ensure that appropriate incentives and sanctions are imposed.

Best,

A handwritten signature in black ink, appearing to read "Mary T. Noonan".

Judge Mary T. Noonan  
Mary T. Noonan  
State Court Administrator

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

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