

with the National Crime Information Center
located in Springfield, Missouri
and the Missouri State Police

JUDICIAL SYSTEMS

COURT-CREDENTIALITY
RELATIONS

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Approved by
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CALVIN L. RAMPTON
GOVERNOR

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY

NCJRS

APR 13 1977

ACQUISITIONS

Dear Citizens:

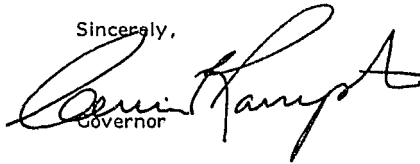
This pamphlet is one of a series of reports of the Utah Council on Criminal Justice Administration. The Council's five Task Forces: Police, Corrections, Judicial Systems, Community Crime Prevention, and Information Systems, were appointed on October 16, 1973 to formulate standards and goals for crime reduction and prevention at the state and local levels. Membership in the Task Forces was drawn from state and local government, industry, citizen groups, and the criminal justice profession.

The recommendations and standards contained in these reports are based largely on the work of the National Advisory Commission on Criminal Justice Standards and Goals established on October 20, 1971 by the Law Enforcement Assistance Administration. The Task Forces have sought to expand their work and build upon it to develop a unique methodology to reduce crime in Utah.

With the completion of the Council's work and the submission of its reports, it is hoped that the standards and recommendations will influence the shape of our state's criminal justice system for many years to come. Although these standards are not mandatory upon anyone, they are recommendations for reshaping the criminal justice system.

I would like to extend sincere gratitude to the Task Force members, staff, and advisors who contributed something unknown before--a comprehensive, inter-related, long-range set of operating standards and recommendations for all aspects of criminal justice in Utah.

Sincerely,


Governor

COURT-COMMUNITY RELATIONS

This report was published by the Utah Council on Criminal Justice Administration with the aid of Law Enforcement Assistance Administration funds.

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What is the Utah Council on Criminal Justice Administration (UCCJA)?

In 1968 the Omnibus Crime Control and Safe Streets Act was passed resulting in the creation of the Law Enforcement Assistance Administration (LEAA) in the U.S. Department of Justice. The act required the establishment of a planning mechanism for block grants for the reduction of crime and delinquency.

This precipitated the establishment of the Utah Law Enforcement Planning Council (ULEPC). The council was created by Executive Order of Governor Calvin Rampton in 1968. On October 1, 1975, the council was expanded in size and redesignated the Utah Council on Criminal Justice Administration (UCCJA).

The principle behind the council is based on the premise that comprehensive planning, focused on state and local evaluation of law enforcement and criminal-justice problems, can result in preventing and controlling crime, increasing public safety, and effectively using federal and local funds.

The 27-member council directs the planning and funding activities of the LEAA program in Utah. Members are appointed by the governor to represent all interests and geographical areas of the state. The four major duties of the council are:

1. To develop a comprehensive, long-range plan for strengthening and improving law enforcement and the administration of justice. . . .
2. To coordinate programs and projects for state and local governments for improvement in law enforcement.
3. To apply for and accept grants from the Law Enforcement Assistance Administration. . . and other government or private agencies, and to approve expenditure. . . of such funds. . . consistent with . . . the statewide comprehensive plan.
4. To establish goals and standards for Utah's criminal-justice system, and to relate these standards to a timetable for implementation.

JUDICIAL SYSTEMS TASK FORCE

Judge Bryant H. Croft (Chairman)
Third Judicial District Court

Courts	Prosecution/Defense
Judge Geraldine Christensen Justice of the Peace	Mr. Jay V. Barney Attorney at Law
Father John Hedderman Citizen Representative	Mrs. Floyd Bliss Citizen Representative
Judge Paul C. Keller Fifth District Juvenile Court	Mr. Hans Chamberlain Iron County Attorney
Mr. Richard Peay Utah Court Administrator	Mr. F. John Hill, Director Salt Lake Legal Defender Assn.
Mr. Paul Peters, Chief Agent Adult Probation and Parole	Mr. Richard Howe Utah State Senator
Mr. E. Keith Stott, Jr. Attorney at Law	Chief Leroy Jacobsen Ogden City Police Department
Professor Kline Strong College of Law, Univ. of Utah	Mr. Franklin Johnson Attorney at Law
Chief Judge Thornley K. Swan Chairman, Utah Judicial Council	Mr. Reid Russell, Director Technical Assistance Bureau of Statewide Assn. of Prosecutors
Judge Stanton Taylor Ogden City Court	Mr. David L. Wilkinson (for Vernon B. Romney) Office of Attorney General
Ms. Julia Newman (for Judge Fred Ziegler) Ogden City Court	Mr. David S. Young, Director Statewide Assn. of Prosecutors

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INTRODUCTION

COURT-COMMUNITY RELATIONS

It is recognized that the criminal justice system will function effectively if all the elements which make up that system are functioning effectively. One component in that system is court-community relations. Court-community relations are especially important in criminal justice because of the high degree of visibility that such procedures command. A law abiding atmosphere is fostered by public respect for the court process. Such attitudes correspondingly suffer when public scrutiny results in public dissatisfaction. Outward appearance is very important in creating an atmosphere of judicial efficiency. Mr. Justice Brennan once commented that, "Not only must there be justice, there must appear to be justice."

There are several areas of serious deficiency, one of which is the physical facilities under which the court process must function. A study of New York civil courts, for example, found a correlation between the adequacy of a court physical facility and its public image in the community. Pleasant, efficient, and judicious facilities not only lend themselves to the smooth processing of criminal matters, they also give the impression that the system has integrity and, therefore, commands respect. If the courts are dreary, makeshift, dark and dingy, that impression will reflect upon the process.

Another area of concern is the treatment of witnesses. Many times a witness will appear for a hearing only to sit the entire day waiting for the matter to come up. Not only must these witnesses wait unnecessarily, they must wait in as little comfort as is possible. In many instances the situation results from a callousness on the part of the bench. Both causes can and should be corrected.

In many facilities, interviews with witnesses are carried on in hallways and courtrooms. This situation goes to the realization that our facilities are not built to accommodate the many purposes that need to be accommodated.

Jurors suffer similar treatment. Inadequate waiting areas, uncomfortable deliberation areas, and crowded facilities, which require that juries mingle with witnesses and parties in the case

they are hearing, and lead to inefficiency and bad public relations and, hence, a loss of respect for the system.

One of the most frequently cited inadequacies of courthouse facilities is the absence of a location where attorney and client can confer in privacy.

It is also recommended that information booths be established to direct persons unfamiliar with the courthouse facilities to their destination. This would dissipate frustration and help to get people where they should be on time.

There should also be education programs. Many courts are especially reluctant to engage in public relations work. This is understandable, but there is also a need to include the public in the judicial process. Informational and educational material should be distributed to inform the public about what the system is doing, its goals and concerns, but most importantly . . . how it works.

12.1 THE COURTHOUSE

STANDARD

Adequate physical facilities should be provided for court processing of criminal defendants. These facilities include the courthouse structure itself and such internal components as the courtroom and its adjuncts, and facilities and conveniences for witnesses, jurors, attorneys, and defendants in custody. Facilities provided should conform to the following requirements:

1. The courthouse structure should be adequate in design and space in terms of the functions housed within and the population served. In areas served by a single judge, adequate facilities should be provided in an appropriate public place. In metropolitan areas where the civil and criminal litigation is substantial and is served by the same personnel, there should be one centrally located courthouse. All rooms in the courthouse should be properly lighted, heated, and air conditioned.

2. The detention facility should be near the courthouse.

3. The courtroom should be designed to facilitate interchange among the participants in the proceedings. The floor plan and acoustics should enable the judge and the jury to see and hear the complete proceedings. A jury room, judges' chambers, staff room, and detention area should be convenient to each courtroom.

4. Each judge should have immediate access to a library containing the current annotated laws of the state, state appellate reports, and municipal code. He should also have reasonable access to a library containing the United States Code Annotated, the U.S. Supreme Court Reports, the federal courts of appeal and district court reports, citators covering all reports and statutes in the library, digests for state and federal cases, a form book of approved jury instructions, legal treatises on evidence and criminal law, criminal law and U.S. Supreme Court reports published weekly, and looseleaf services related to criminal law.

5. Provision should be made for witness and juror waiting rooms. They should be comfortably furnished and adequately lighted. Juror privacy should be maintained at all times.

6. A lawyers' workroom should be available in the courthouse where attorneys can talk privately with their clients.

7. The physical facilities described in this standard should be clean and serviceable at all times.

UTAH LAW AND COMMENTS

a. Utah Practice: None of the elaborate facilities outlined in the standard, such as lawyer workrooms, are available, but in smaller communities this may not be needed.

Salt Lake City and County have a relatively new Hall of Justice. As soon as it was built, it proved inadequate in terms of space; but the facility is clean and serviceable.

The state is responsible for the facilities of the Supreme Court as well as the Juvenile Court (55-10-114, Article VIII, Section 4 of the Utah Constitution). The individual counties have the responsibility for the district court facilities (17-20-1) even though the district courts are a state entity and the state has the ultimate responsibility (VIII, Section 5). Naturally, the cities have responsibility for municipal court facilities (78-4-10). The local justice of the peace courts are the responsibility of either of the localities — the city, if it is a city justice of the peace, or the county, if it is a precinct justice of the peace; but the initial as well as the final responsibility rests with the individual justice of the peace (78-5-1) to provide a court facility and to be compensated for same by the city or precinct (10-6-74).

b. Where Utah Differs: A facilities survey will be conducted in 1976 by the Office of Court Administrator to determine the adequacy of the existing facilities within the State of Utah.

Most court facilities are close to detention centers, but there are no witness waiting rooms, private conference rooms, etc.; however, there are library facilities. In Salt Lake these libraries are good, but in most other communities the facility is inadequate or practically nonexistent.

METHOD OF IMPLEMENTATION

The Office of Court Administrator should be charged with obtaining compliance with this standard.

12.2 COURT INFORMATION PROCEDURES

STANDARD

Facilities and procedures should be established to provide information concerning court processes to the public and to participants in the criminal justice system.

UTAH STATUS AND COMMENTS

a. Utah Practice: The information system as contemplated by the standard is nonexistent in Utah. Information desks and special numbers to call for information are not needed in most communities and would be unjustified. Many times, though, a witness is unaware that a matter has been continued and his presence is not needed on the particular day, until he has gone to the courthouse and wasted a great deal of time. There are no pamphlets used as standard operating procedure which outline for witnesses, defendants, and jurors their rights and responsibilities, as recommended by the standard.

b. Where Utah Differs: It should be noted that court administrators in communities such as Ogden and Salt Lake have been performing in an ad hoc manner as an information center for court information.

METHOD OF IMPLEMENTATION

Voluntary compliance by the various courts, cities, counties, and the state.

12.3 COURT PUBLIC INFORMATION PROGRAMS

STANDARD

The court, the news media, and the bar should have coordinate responsibility for informing and educating the public concerning the function of the courts. The court should pursue an active role in this process:

1. The court should take affirmative action to educate and inform the public of the function and activities of the court. This could include:

- a. Preparation of releases regarding case dispositions of public interest;
- b. Preparation of releases describing items of court operation and administration that may be of interest to the public;
- c. Answering inquiries from the news media;
- d. Specification of guidelines for media coverage of trials;
- e. Issuance of periodic reports concerning the court's workload, accomplishments, and changes in procedure;
- f. Issuance of handbooks for court employees concerning their function;
- g. Preparation of educational pamphlets describing the functions of the court for the general public and for use in schools;
- h. Preparation of handbooks for jurors explaining their function and pamphlets for defendants explaining their rights;
- i. Organization of tours of the court; and
- j. Personal participation by the judges and court personnel in community activities.

These functions should be performed by the court information officer or by the Court Administrator's office, by associations of judges, or by individual judges.

2. The court should encourage citizen groups to inform themselves of the functions and activities of the courts and, in turn, share this information with other members of the public.

3. The court should work together with bar associations to educate the public regarding law and the courts. The judiciary and the bar should cooperate by arranging joint and individual speaking programs and by preparing written materials for public dissemination.

UTAH STATUS AND COMMENTS

a. Utah Practice: Recently the Office of Court Administrator was created to develop programs to aid in the functioning of the judicial process. In some respects this has involved community relations.

b. Where Utah Differs: Except for the court administrators, there is no public relations office for the judiciary. News releases, community relations, and floor management for trial are all handled in an ad hoc fashion.

METHOD OF IMPLEMENTATION

In individual courts where a court administrator already exists, that person should be responsible for attaining the objectives of the standard. Where such a position does not exist, then the presiding judge should be responsible. The Office of Court Administrator should be responsible for coordination of activities and should assume responsibility for handbooks, reports, etc.

With reference to "citizen groups," this should also be the responsibility of OCA, even though there now exists in Utah an incorporated group called "Citizens Conference on Utah Courts."

All of this, of course, is contingent upon voluntary compliance.

12.4 PLANNING AND THE COURT

STANDARD

Judges and court personnel should participate in criminal justice planning activities as a means of disseminating information concerning the court system and of furthering the objective of coordination among agencies of the criminal justice system.

UTAH STATUS AND COMMENTS

Many judges and court personnel are involved in the planning process in Utah.

METHOD OF IMPLEMENTATION

Continued voluntary compliance with this standard by court personnel.

12.5 USE OF WITNESSES

STANDARD

Prosecution and defense witnesses should be called only when their appearance is of value to the court. No more witnesses should be called than necessary.

Prosecutors and defense counsel should carefully review formal requirements of law and practical necessity and require the attendance of value in resolving issues to be litigated. Efforts should be made to avoid having police officers and other witnesses spend unnecessary time making court appearance.

UTAH STATUS AND COMMENTS

In some courts in Utah, such as Ogden, this standard is, for the most part, being implemented. However, in most courts in this state, witness scheduling is not being done as efficiently as possible, with both citizen and police witnesses.

METHOD OF IMPLEMENTATION

The Office of Court Administrator, the Juvenile Court Administrator's office, and the courts task force should encourage and instruct courts in Utah in complying with this standard.

12.6 COMPENSATION OF WITNESSES

STANDARD

Police witnesses should be reasonably compensated for their attendance at criminal court proceedings on off duty time. Citizen witnesses in criminal proceedings should receive reasonable compensation for court appearances.

Witnesses should be paid for round-trip travel between the court and their residence according to state mileage rates.

UTAH STATUS AND COMMENTS

a. Utah Law: 21-5-4. Witness fees and mileage — Every witness legally required or in good faith requested to attend a city

or district court or a grand jury is entitled to \$6 per day for each day in attendance and 20 cents for each mile actually and necessarily traveled in going only; provided, that in case of a witness attending from without the state in a civil case, mileage for such witness shall be allowed and taxed for the distance actually and necessarily traveled within the state in going only.

21-5-10. Witness fees in justice courts — Every witness legally required or in good faith requested to attend upon a justice's court in inquest is entitled to \$1.50 per day for each day's attendance, and 20 cents for each mile actually and necessarily traveled, in going only; provided, that in case of a witness attending from without the state, mileage for such witness shall be allowed and taxed for the distance actually and necessarily traveled within the state, in going only.

b. Where Utah Differs: The fees given witnesses are too low. There is no compensation for police officers testifying on off-duty time.

METHOD OF IMPLEMENTATION

The Legislature must change UCA 21-5-4 to adjust witness' compensation and to compensate off-duty police officers for work done in the court process.

12.7 EMPLOYMENT PRACTICES

STANDARD

Court personnel should be representative of the community served by the court.

UTAH STATUS AND COMMENTS

a. Utah Practice: Utah has no laws specifically addressing this standard, even though 34-35 UCA has language pertaining to hiring practices. Pressure from the national level, in the form of civil rights legislation, U.S. Supreme Court rulings, etc., have established a climate within each state that mandates compliance to the general intent of this standard. Utah, however, has a unique population in that it is comprised of few "ethnic" groups. The female population, though, must also be considered.

The Utah Industrial Commission acts as the state's antidiscriminatory division, to administer the law enacted in 1969 (the Antidiscrimination Act, Title 34, Chapter 35, UCA). A coordinator of fair employment practices is appointed by the Commission to carry out its policies in this field.

The objective of the 1969 Act and its administration is to prohibit discrimination in employment, or subsequent treatment of employees, on the basis of race, color, sex, religion, ancestry, or national origin. Regulations and prohibitions apply both to the employers and to labor organization.

Exceptions are provided in cases where religion, sex, or national origin are a "bona fide occupational qualification, reasonably necessary" to effective filling of a position of employment in other special cases.

The U.S. Civil Service Commission has published requirements for Equal Employment Opportunity plans, which Federal agencies are required, by P.L. 92-261, to submit annually to the commission for review and approval. An EEO plan represents an agency's pledge of its commitment to assure true equal employment opportunity in all aspects of its operations affecting employees and applicants for employment.

Responsibility for EEO in an agency is vested in the agency head. All EEO plans are public documents and, therefore, agencies should make it available to interested parties.

The Utah State Industrial Commission, and Department of Antidiscrimination, requires affirmative action plans from all public agencies and private firms within Utah that employ over 25 people. "Affirmative Action Plans" are required from all federal agencies employing 15 or more people. The plans must address hiring, training, promotion, etc. In 1973, the Department handled 410 complaints, 60% (or 209) of which were sex related. Approximately 97% of the sex cases were conciliated, and 97% of the race cases were conciliated.

The following tables reflect the population composition of Utah and Utah Courts.

b. Where Utah Differs: It can readily be seen from the two tables that Utah does not have proportionate representation from

the female segment of the population in any category except clerical. It can also be seen that Utah does not have proportionate representation of ethnic groups.

As for potential individuals to fill administrative and judgeship positions, and using the Salt Lake metropolitan area as an example, there are 922 lawyers, of which 26 are female, representing 2.8 percent. There are 1,392 members of the bar in the entire state, and of these there are 43 minority group members. At the University of Utah Law School the current class consists of 420 individuals. Of those, 63 are female and 22 are ethnic.

It is interesting to note that the University of Utah Law School is accepting ethnic individuals that would otherwise not be admitted due to low entrance scores, but has not done anything to enhance the program for females. (Not to imply they should, but lowered entrance standards should either apply to all applicants or not at all).

METHOD OF IMPLEMENTATION

The current EEO mandates and recent supreme court decisions should be adhered to. Affirmative action plans for both race and sex should be developed.

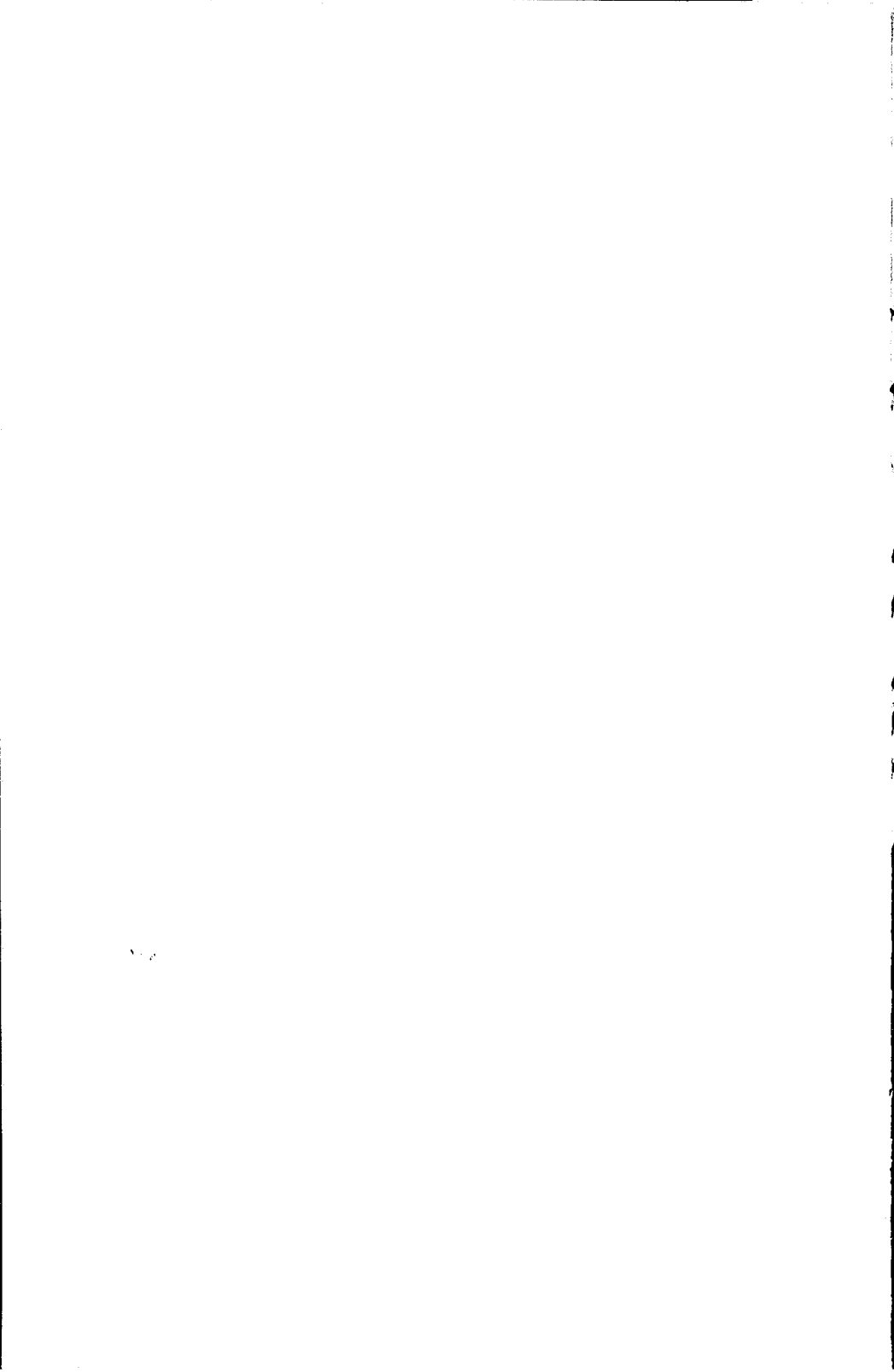


UTAH POPULATION COMPOSITION

	1970 Total	1970 Percentage	1973 Total	1973 Percentage
Total State Population	1,059,273	100	1,157,000	100
Black	6,356	.6	6,942	.6
Indian	11,652	1.1	12,727	1.1
Chicano	37,075	3.5	40,495	3.5
Other	9,533	.9	10,413	.9
Total Ethnic Population	64,616	6.1	70,577	6.1
White	994,657	93.9	1,086,423	93.9
Male	523,265	49.4	571,588	49.4
Female	536,008	50.6	585,442	50.6

Source. 1) 1970 date — U.S. Department of Commerce, Bureau of the Census, 1970 Census Report, Utah; Government Printing Office, 1971

2) 1973 data — Utah Population Work Committee, Utah State Government, 1973, Utah Population Estimates; and UCCJA



UTAH COURT COMPOSITION

	JUDGES			CLERKS ^a			ADMINISTRATIVE			CLERICAL		
	Male	Female	Ethnic	Male	Female	Ethnic	Male	Female	Ethnic	Male	Female	Ethnic
Supreme Court	5	0	0	8	0	0	2	0	0	0	7	0
District Court	21	0	0	31	14	0	10	1 ^c	1 ^c	7	14 ^d	1 ^b
				(69%)	(31%)		(91%)	(9%)	(9%)	(33%)	(67%)	(.05%)
Juvenile Court	7	1	0	0	5	0	14	0	0	0	50	4 ^f
	(88%)	(12%)										
City Courts	22	0	0	3	6	0	1	1	0	0	11	0
				(33%)	(67%)		(50%)	(50%)				
Justice of the Peace Courts	142	19	1 ^e	0	0	0	0	0	0	0	0	0
	(88%)	(12%)	(1.5%)									
TOTAL	197	20	1	42	25	0	27	2	1	7	82	5
	(90.8%)	(9.2%)	(.06%)	(63.%)	(37%)		(93%)	(7%)	(3.3%)	(5%)	(95%)	(5.9%)
Category total	217 Judges			89 Clerical			29 Administrators			67 Clerks		

a - Includes county district court clerks - refers only to court clerks, not clerical clerks

b - one black female

c - one Chicano female

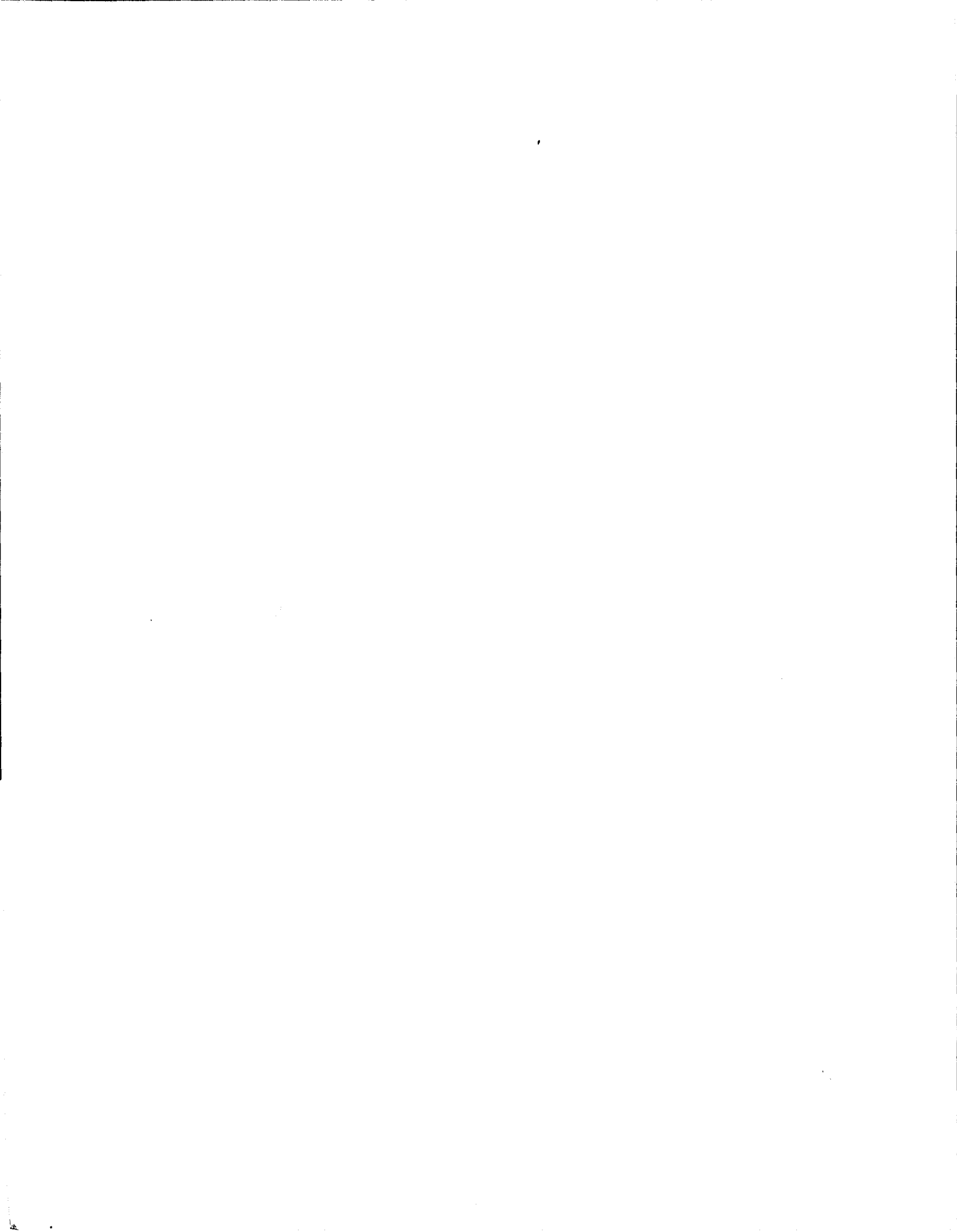
d - Includes "b" above: one black female

e - one Indian male

f - three Chicano females, one Oriental female

SOURCE: From data compiled by UCCJA, 1974

Composite Total		
Male	Female	Ethnic
273	129	7
(67.9%)	(32.1%)	(1.7%)



END