

Provo representative's prosecutor, county jail data bill advances through Senate committee

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By Connor Richards

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A bill that would require prosecutors and county jails to track certain data points and report findings to the Utah State Legislature passed unanimously through the Senate Judiciary, Law Enforcement and Criminal Justice Committee on Monday.

House Bill 288 would mandate that county jails compile data on inmate gender, race and ethnicity and that attorney's offices collect information on what charges were brought against a defendant, whether pre or post-filing diversion were offered, whether bail was requested and if the agency declined to file charges. The data would be submitted in an annual report to the Commission on Criminal and Juvenile Justice, the bill's text states.

Rep. Marsha Judkins, R-Provo, who is sponsoring the bill, said H.B. 288 would help give lawmakers a comprehensive understanding of the state's criminal justice system.

Data from courts and jails is already readily available for the most part, Judkins told the committee Monday.

"But in the prosecutor's area, we just don't have any data that is aggregated (or) that we can easily search or anything," the Provo representative said. "And so it's kind of this black box of data."

Kim Cordova, executive director of the Utah Commission on Criminal and Juvenile Justice, spoke in favor of the bill on Monday. Cordova said most of the state's criminal justice data comes from the Utah Department of Corrections and Board of Pardons and Parole, adding that "there's a lack of information on the front end."

"(The bill) just gives us another piece to the puzzle so that we can get a more holistic and complete view of what's happening in the criminal justice system," said Cordova.

Jason Groth, coordinator of the American Civil Liberties Union of Utah's Smart Justice Utah Program, said that, without adequate data, it is difficult "to see how prosecutors policies are being implemented" throughout the state.

"This is especially true when you look at the prosecutorial decisions on people of color in Utah, which are overrepresented in our criminal justice system," Groth said. "We know this by looking at the numbers on the back end, but this will help us get that complete picture."

In February, Judkins told the Daily Herald that the bill would help identify any "unconscious bias" in courts and jails.

"If we have it, we need to confront it and see what to do about it," the Provo representative said. "I'm not saying that's happening, but we do have a disproportionate number of people of color in our jails and prisons."

The bill has the support of some prosecutors, including Will Carlson of the Salt Lake County District Attorney's Office.

Carlson told the Senate committee that there is some data that only prosecutors would be able to provide, such as the date of discovery disclosure and whether a plea bargain was offered. “And these are the kind of data points that prosecutors will be collecting under this bill,” he said.

In February, Utah County Attorney David Leavitt told the Daily Herald he supported increased transparency in the criminal justice system and that he plans to implement a policy to require his office to track data on race, ethnicity and gender.

But Leavitt said some of the data attorney’s offices would be required to track, such as offender tracking numbers and initial appearance dates, is “not necessarily helpful” for holding prosecutors accountable.

H.B. 288 passed through the House on a 53-19 vote last Thursday.

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