

Acknowledgements

Mayor Richard Brunst, Members of City Council,

Thank you

New Council Members: Debby Lauret, Sam Lentz,

I look forward each year to the opportunity to give the annual report on the City of Orem Justice Court. I ask that you excuse Jody Thenot, the court's administrator, as she is attending to an ill family member. I appreciate her great work and the work of all clerk staff who day in and day out handle the workload and public in a professional and dignified manner. I so much appreciate their good service and great attitudes they have in dealing with the public. I am also thankful and grateful to be entrusted to be involved in the work of the people, a duty to keep our community safer, a duty to fairness.

Many, if not most, of our customers are not happy to be in court, but they are treated fairly and have an opportunity to be heard. The motto for the justice courts in Utah is to "Improve the quality of life in our communities," and we feel, as a court, that we have done that and will continue to strive to be dignified and professional in carrying out this motto. I am passionate in how we treat and communicate with individuals who find themselves in our court.

In 2015 marked the 800th year anniversary of the Magna Carta, which is Latin for "the great charter." This document has come to stand for the principle that no one is above the law. The Magna Carta is the origin of many enduring constitutional principles we enjoy today, including the rule of law, the right to a jury trial, the right to a speedy trial, freedom from unlawful imprisonment, protection from unlawful seizure of property, the theory of representative government, the principle of no taxation without representation, and the concept of fundamental law.

We are grateful for our foundational constitutional rights and principles, and I appreciate the opportunity I have to witness daily these principles in action and fulfill a duty and opportunity to safeguard them.

Three topics I am going to cover just briefly tonight, topics you may or will likely hear of during this state legislative session and in reports as you govern this great City. Those three items are; lower case filing in courts, Justice Reinvestment Initiative, and 6th amendment issue, or ones right for legal counsel to be appointed in criminal cases.

First, the topic of lower case filings. It is true, case filings are trending down nationwide in both courts of record and courts of limited jurisdiction in both criminal and civil filings. It is true that in Utah filings are down in both district and justice courts, in both criminal and civil filings. It is true, case filings are down in the City of Orem Justice Court, following the similar trends being seen in Utah and the nation. Tonight's discussion will not go any further into detail on this topic, but know that I am happy to share more if so desired at a later time.

Secondly, you may have heard of the Justice Reinvestment Initiative (JRI), created by the Commission on Criminal and Juvenile Justice at the request of Governor Herbert and others. This report listed recommendations to make Utah a safer state by increasing efforts to reduce the rate of recidivism of offenders released from custody. The report led to legislation aimed at providing offenders with proper treatment, from substance abuse to mental health treatment. The legislation also included turning most drug possession charges into misdemeanors instead of felonies, and strengthening probation and parole supervision. The legislation also reduced the classifications of most traffic offense from class C misdemeanors to infractions. Most of these legislative changes will affect cases prosecuted in district court rather than justice court. However, it is possible that we will see an increase in the number of drugs possession charges files in justice courts.

The JRI led then to the creation of a sentencing commission to create guidelines for judges to use when sentencing defendants convicted of criminal acts. The recommendations will require a shift in thinking. The recommendations are based on studies that show current practices in sentencing may actually worsen or increase the likelihood of re-offending as opposed to deterring it. The new guidelines are based on evidence-based sentencing factors. For example, it was not uncommon for a court to require a drug evaluation be performed on a person convicted of a first time possession offense, who was not an addict, but rather simply an abuser. Studies show that the abuser, who is sent to treatment actually increase their illegal drug behavior as they became more exposed to a network of abusers. With this group, the study shows that sanctions are more appropriate in deterring further offenses, not treatment. In cases involving a true drug addict, one who cannot function without the drug and who is often placed into jail or prison for long terms sentences because of their lengthy records, actually worsen as treatment is what is needed, not sanctions. In summary, we should have been sanctioning the abuser and treating the addict, not treating the abuser and sanctioning the addict.

Right to Counsel/6th Amendment Issues

Thirdly, another study performed recently, one you may have heard about, is in regards to our 6th amendment-our right to have legal representation in court when facing a criminal offense that could result in incarceration. The Judicial Council, the governing body of the judiciary, commissioned a study committee to study the practices in Utah in both district and justice courts in how we provide for this constitutional right. The study committee sought the assistance of The Sixth Amendment Center, a firm out of Boston Massachusetts, to assist in the work. Their studies are summarized in two published reports. I am pleased to announce that in reviewing the studies recommendations and finding and comparing them with our practices that our justice court has been respecting this important constitutional right. The study did find systemic deficiencies and has made recommendations for changes. You will likely hear of legislation being sponsored in this year's session to address these deficiencies. Cities and Counties who are obligated by law to fund such defenses should have the opportunity to

assist with good ideas in how to best steer this likely change. I have shared with the City's attorney and their prosecutors these reports and findings.

I am passionate that we deliver government in efficient, fair and effective ways. I have stood before this body and boasted a bit in the efficiency category of the court. I have said, the City of Orem Justice Court is the most efficiently ran court in the state at any court level. It was true then and continues to be as the data comparisons can show it. For example, in one category of efficiency which we lead is the ratio of warrants issued v. the number of warrants recalled. Most courts for every 100 warrants issued in a year, have about 60 warrants recalled and have a defendant in court to address the charges filed against them. In our court, for the past two years, for every 100 new warrants issued we have recalled 102 warrants, yes, more than were issued that same year. Now this is just one example, but this efficiency means, defendants are held accountable and the court is better able to deter bad behavior. Now, there are many to thank for this efficiency record, it is a team effort. But we all benefit from the efficiency. All courts could benefit...

In this passion to make courts better, I recently finished up a report and presented it to the State's Court Administrator, Dan Becker. The report highlighted not only efficiency reports they already perform to measure courts in Utah, plus what our outstanding court administrator does to ensure we stay on top of our operations that distinguishes us from other courts, but the report added approximately a dozen more measurements not currently being formally measured but would increase the quality and efficiencies of courts in all court levels in Utah if implemented and followed up on. My report to Dan Becker also contained a technology component that would daily provide for an electronic graphic indicating where a court stood in twenty measurement areas in four operational area of the court. I am pleased to announce that the state has embraced this and making plans for state-wide implementations for these efficiency calculations, and also the technology to deliver the information to those who can use it to make a difference.

Judges in Utah must undergo performance evaluations. They are performed by the Judicial Performance Evaluation Commission, an independent group commissioned by our state legislature. They conduct evaluations to measure how a judge performs in three general areas, they are; legal ability, integrity and judicial temperament, and Administrative skills including communication skills. In each of those areas, I ranked higher in comparison to that of the median scores of all my peers being evaluated for that same period of time. In comments made by responders, 99 % of them used positive words to describe my actions while only 1 percent used negative words. The words used most to describe my performance are; attentive, calm, confident, considerate, consistent, intelligent, knowledgeable, patient, polite, and receptive. (It sounds like a new scout law list) All responders are anonymous but come from staff, defendants, jurist and attorneys who had appeared before the court. As you can imagine, I quickly showed these descriptive words to my wife, which got me know were... she just smirked.

While I am pleased with the many positive descriptions used to describe the demeanor of the court, and I am pleased in how we deliver our service, particularly when in light of the court being a place which by design is contentious between plaintiff and defendants, I am amazed at the resiliency of people, and the professional ways in which those who visit the court conduct themselves. For example, the City daily has two representatives called prosecutors who appear on and in behalf of the City of Orem, Mr. Summers and Mr. McKnight, they are professionals. We have defendants there who are charged with allegations of committing crimes, and we have witnesses who appear often and who are commonly patrol officers, safeguarding our streets and protecting each of us. To them I say thank you, thank you for your professionalism and service and for the way you conduct yourselves.

Yes it is an honor to serve the great community of Orem. I appreciate those who are willing to run for office and join their hands with others to protect and improve our lives. Thank you Council for your service and support and I wish the best of luck to your new quorum as you welcome two new citizens to the labor. Thank you. Thank you.