
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: September 5, 2003

SUBJECT: **Prosecutor's Office – Audit Observations and Recommendations**

AFFECTED COUNCIL DISTRICTS: Citywide

STAFF REPORT BY: Gary Mumford

KEY ELEMENTS:

The City Council contracted with Deloitte & Touche CPA firm for several small audits. The audits were not extensive or all-encompassing but were very limited-scope studies with rather small budgets. One of the audits was the City Prosecutor's Office. The field work on this audit was completed in May 2003. The audit report includes an executive summary, background, observations/recommendations, and management's response. The audit is basically a snapshot of one point in time. The Prosecutor's Office was in transition at the time of the audit because the City was less than one year into a Justice Court. In addition, three additional employees were added to the City Prosecutor's Office in January 2003 in connection with additional prosecution of cases previously handled by the County District Attorney. The City Prosecutor told Council staff that the number of cases have increased substantially over the number of cases reported by the auditors for 2002. The City Prosecutor maintains a flexible modal to meet changing needs.

The audit concluded that the Prosecutor's Office is sufficiently staffed with prosecutors but could benefit from an investigator position and one additional support position. Subsequent to the audit, the Council added one paralegal position to the Prosecutor's Office in the budget for fiscal year 2003-04. The audit reported that some changes may help the Office efficiency such as enhancing the information management system for case management and resolving timeliness and completeness issues regarding information provided by police agencies and the Justice Court.

OBSERVATIONS AND RECOMMENDATIONS

1. The auditors compared Salt Lake City's organizational structure to that of Glendale, Arizona; Henderson, Nevada; and Scottsdale, Arizona. Like Salt Lake City, the Prosecutor's Office in the other three cities also reports to the city attorney's office.
2. In 2002, Salt Lake City's Prosecutor's Office prosecuted an average of 1472 cases per prosecutor. Glendale averaged 1825 cases per prosecutor; Henderson averaged 1394 cases per prosecutor; and Scottsdale averaged 1204 cases per prosecutor. An analysis of the prosecutor to sworn officer ratio indicated that Salt Lake City was comparable to the other three cities. Salt Lake City has a lower ratio of prosecutors to support staff than Glendale, Henderson or Scottsdale. The auditors recommend that the City consider adding an investigator position and one more support staff position. The audit report states that an investigator would limit the possibility that prosecutors could be turned into witnesses. [Note: The City Prosecutor reports that the number of cases have increased substantially over the number of cases reported in the audit. The Council added a paralegal position on July 1, 2003.]

3. Administrative policies and procedures did not exist. The auditors recommend that the Prosecutor's Office document their existing processes, especially for case management and screening processes, to help standardize processes and facilitate the learning process for new employees.
4. The electronic case tracking system only retains the last data entry. As a result, support staff has to locate and examine the hard copy case file in order to retrieve any historical case information. The auditors recommend that the information management system be enhanced.
5. Incomplete information received from the various police departments and the Justice Court has put an increased demand on both prosecutors and support staff to complete case documentation. Because of the limited nature of this small study, the auditors were not able to determine the root cause. The problems could be relating to training gaps, staffing limitations in the Police Department, or a lack of sufficient integration of electronic information technology between agencies.
6. The City Prosecutor's Office participates in the following restorative justice or plea and abeyance programs: domestic violence program, mental health court, misdemeanor drug court, passages, prostitution outreach, John's program, and public sex crimes program. Although none of these programs are funded by the City Prosecutor's Office, the City Prosecutor's Office provides indirect funding via prosecutor time. The auditors noted that Salt Lake City utilizes seven programs whereas Seattle utilizes five programs and Phoenix and Portland both utilize four programs each. Graduation rate results of the seven programs were as follows:

Public sex crimes – 100% graduation rate

John's program – 97% graduation rate

Misdemeanor Drug Court – 73% graduation rate

Passages – 70% graduation rate

Prostitution Outreach – 50% graduation rate

Mental Health Court – 38% graduation rate

Domestic Violence – 97% of eligible defendants participated in the formal program

The auditors recommended that the Prosecutor's Office develop quantitative measurements for tracking and evaluating costs and benefits.

7. The Prosecutor's Office pursues a zero tolerance policy for Driving while Under the Influence and Sexually Oriented Business offenses. All other offenses are screened on a case by case basis to determine the appropriateness of restorative justice and plea and abeyance referrals.
 8. Opportunities exist for prosecutors to delegate non-prosecution related functions to support staff. However, existing support staff workloads have precluded this delegation. Support staff could assume greater responsibility for administrative screening components, such as ordering certified documents and toxicology reports. Considerable prosecutor time is devoted to prosecution screenings including ordering documentation and following up on incomplete or inaccurate address information. The auditors recommended considering increasing paralegal and support staff utilization for prosecution screening. [Note: A new paralegal position was included in the budget for fiscal year 2003-04.]
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OPTIONS:

- a. The Council may wish to discuss some of the above observations and recommendations with the representatives of the Administration at the Council work session.
 - b. The Council may wish to request a written report from the Administration within about six months on actions taken in response to observations noted in the audit report.
 - c. The Council may wish to request that the Administration consider the recommendations in the audit report when developing the budget for fiscal year 2004-05.
 - d. Since there were recent changes within the court system, the Council may wish to contract for a follow-up study. The expanded study could include comparisons with a larger number of other cities.
 - e. The Council may wish to contract for a review of the Justice Court including coordination with the Prosecutor's Office for efficiency of prosecutor's time. The study could also analyze the effectiveness of scheduling of court appearances of police officers to limit police overtime.
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