



# SLFRF APPLICATION

MAY 24, 2022

AMENDED JULY 27, 2022

*Davis County  
Attorney's Office*

Requested: \$2,482,753

## ARPA SCOPE OF WORK WORKSHEET

### 1. Overview

Federal Award Grant Name	Coronavirus State and Local Fiscal Recovery Funds (SLFRF)
Federal Assistance Listing Number	21.027
Subrecipient Name	Davis County Attorney's Office
Subaward Start Date	10/1/2021
Subaward End Date	12/31/2024
1. Amount of Federal Funds Obligated in this SOW	\$2,482,753.00
2. Total Amount of ALL Federal Funds Obligated to Subrecipient from Davis County (including this SOW)	\$2,361,984.00
Federal Award Agency	US Department of Treasury
Pass-through Entity	Davis County, Utah
Awarding Official  After Approval by Davis County Commissioners	<b>Name:</b> Curtis Koch <b>Title:</b> Davis County Clerk Auditor <b>Address:</b> Davis County Admin Building 61 South Main Street Farmington, Utah 84025 <b>Phone:</b> (801) 451-3491 <b>Email:</b> Ckoch@co.davis.ut.us
Primary Contact	<b>Name:</b> Troy Rawlings <b>Title:</b> District Attorney <b>Contact Address:</b> 800 W. State St PO Box 816 Farmington, UT 84025 <b>Phone:</b> (801) 451-4355 <b>Email:</b> troy@co.davis.ut.us

## 2. Expenditure Categories

<b>Eligible Category</b>	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
<b>Expenditure Category Number</b>	3.1
<b>Expenditure Category Name</b>	Public Sector Workforce: Payroll & Benefits for Public Health, Safety, and Human Services Workers
<p><b>Primarily Disadvantaged Households</b></p> <p>The vast majority of cases we prosecute involve individuals that have been deemed indigent by the Court. A Court shall find an individual indigent if the individual has an income level at or below 150% of the United States poverty level as defined by the most recent poverty income guidelines published by the United States Department of Health and Human Services; or has insufficient income or other means to pay for legal counsel and the necessary expenses of representation without depriving the individual or the individual's family of food, shelter, clothing, or other necessities. In addition, many of the victims of crime are children, women, indigent persons, or those needing a safety net and/or support structure, including therapy and counseling.</p> <p>There is also a significant PUBLIC HEALTH component to the work done by our office. We have Specialty Courts (Drug Court and Mental Health Court) where all participants undergo treatment/therapy, including medications as needed.</p> <p>In addition, there are serious NEGATIVE ECONOMIC IMPACTS due to the backlog of cases and the COVID public health crisis. With cases pending that are not resolved, some defendants are in custody longer, costing more to house and care for; some defendants have trouble finding employment or housing the longer cases are pending, additional counseling and therapy may be required; we have had to improve infrastructure to allow for online meetings and court attendance at a cost; and the expansion of pretrial services is a significant economic impact to the operations of Davis County Government as persons are being supervised much longer, or in custody, that pre-pandemic. Costs such as additional drug screenings also add up. Plea in Abeyance costs also rise as we attempt to keep a handle on the backlog of cases.</p>	
<p><b>Evidence-based practices</b></p> <p>For the indigent, the Court asks individuals a series of questions regarding their income and financial status to determine indigency.</p> <p>For other items such as pretrial diversion programs, Mental Health Court, Drug Court and Victim Services, and Children's Justice Services, there are evidence-based standards that apply to each situation</p>	

For victims specifically, there are statutory standards such as those found in:  
<https://le.utah.gov/xcode/Title77/Chapter37/77-37.html>

For Children's Justice Center cases and issues:  
<https://le.utah.gov/xcode/Title67/Chapter5B/67-5b.html>

### **COVID Impact Statement**

In March of 2020 Utah Supreme Court Chief Justice Matthew Durant issued multiple Administrative Orders activating the Utah State Courts' Pandemic Response Plan in order to protect the public, court staff, members of the judiciary and legal community from potential COVID-19 exposure. Among other measures, the result was the suspension of all trials in district courts for both civil and criminal cases and with no special consideration for victims or criminal defendants in pretrial detention.

In subsequent months additional steps were taken that eliminated all but a very few in-person proceedings as courts transitioned to the use of telephonic or video conferencing. Newly filed criminal cases that would normally have been set for an initial court appearance within days or weeks were instead set for their first hearing months into the future. The vast majority of criminal cases that were already pending in district courts were similarly postponed, often for extended periods as the justice system struggled to adjust to COVID-19 restrictions and held out hope that the restrictions would be short term. The result of the restrictions imposed as a result of COVID-19 pandemic was a significant backlog of court proceedings. It is widely anticipated that working through the backlog of court proceedings in order to return to pre-COVID-19 workloads will take two to three years. Some key indicators that provide evidence of the backlog include:

The following numbers reflect the data we were able to pull from our antiquated case management system when seeking funding intra-county.

1) As of the time we requested funding intra-county in the fall of 2021, there were 936 more open cases in our office than at the beginning of 2018. That number has since increased to just over approximately 1,000. The growing number of open cases represent unresolved cases due to Covid-19, many of which are on track to eventually go to trial. It is critical to note that the average number of open cases in our office went down in 2019 by (-381) from 2018 due to the addition of a prosecutor in 2018 and cases being resolved. The year 2020 saw a +565 increase as Covid hit; and 2021 added another 600 + open cases, primarily due to the impact of not being able to do trials.

2) In 2021 we had on average 62.4 more open cases per prosecutor than we did in 2018 (and we have 1 more prosecutor now than we did then), with the number increasing due to cases stalling that will eventually move forward. It is vital to understand that these numbers represent unresolved cases highly likely to eventually go to trial, creating the pending tsunami backlog. The vast majority of these represent cases where trial dates are waiting to be set, or have been set and keep getting bumped.

3) In 2018 the average time for resolution of a case from filing to trial verdict and sentencing was 250.3 days. In 2021 it increased to 349.6 days and is growing larger every in 2022 as cases are not being set for trial, or being continued so not actually going to trial.

4) Comparative Data: From January - August of 2018 our office had on average 46.8 cases per judicial calendar: (7 judges a week - some with more than 1 calendar).

From January - August of 2021 our office had on average 66.26 cases per judicial calendar: (7 judges a week - some with more than 1 calendar).

That is a huge increase (20 cases per calendar for prosecutors to prepare for). That number is not decreasing and continues to increase in 2022. We will have new data available at the end of March.

5) Prior to the COVID-19 Public Health Crisis, it would be common for our office to have approximately 20 cases actually set for trial with specific court dates in the next 150 days, and another 50 or so waiting to set trial dates at a given moment in time. As of the date of this application, that number is 82 set with specific court trial dates in the next 150 days and another almost 200 waiting to be get trial dates once the court system goes green.

6) Snapshot in a given day (and we will pull again on April 2022):

April 23 2020 we had 197 pre-trials pending on the 7 District Court judges calendars.

April 23 2021 we had 949 pre-trials pending on the 7 District Court judges calendars.

[pre-trial in the stage where jury trials are set if cases do not resolve]. That is a 78% increase in the number of unresolved pending pre-trials on one given random day, which will be consistent with other days.

7) It is important to point out that our case management system is not able to give an accurate number of average cases per prosecutor because it does not capture data that way (by prosecutor's name over time...). One example: different prosecutors are involved in cases over time (one screens; another handles it in central arraignment; yet another in law and motion calendars and possibly a 3rd at trial), hence we are using the more accurate and relevant open cases numbers that our data actually re

### 3. Staffing

*Provide list of staff and time commitments to be allocated to each activity in the statement of work.*

<b>Key Staff Name</b>	<b>Title/Activity</b>	<b>Time Commitment</b>
Blithe Cravens	Prosecutor	Full-time
Teral Tree	Prosecutor	Full-time
Robert Neve	Prosecutor	Full-time
Stacy Hutzley	Paralegal	Full-time
Janae Briggs	Victim Advocate	Full-time

*Any changes in the key personnel assigned or their general responsibilities under this project are subject to the prior approval of Davis County.*

#### 4. Performance Monitoring

Davis County will monitor the performance of the Subrecipient against goals and performance standards as stated above. Substandard performance as determined by Davis County will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by Davis County, contract suspension or termination procedures will be initiated.

##### **Statement of Work**

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trial dates are waiting to be set or have been set and keep getting bumped. It is vital to understand that these numbers represent unresolved cases highly likely to eventually go to trial, creating the pending tsunami backlog.

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**Description of population to receive assistance**

The vast majority of cases we prosecute involve individuals that have been deemed indigent by the Court. Many victims of crime are children, women, indigent persons, or those needing a safety net and/or support structure, including therapy and counseling.

Prosecutors and support staff funded via SLFRF will provide legal representation to Davis County and support for victims of crime and help move along cases VICTIMS and for all defendants and indigent defendants facing criminal charges in Davis County. These populations, victims, and defendants are often among the most vulnerable members of society. Many suffer from trauma or other mental health or substance use challenges that often go unaddressed until their cases are resolved and treatment resources are available through the judicial process. Undue delay in resolving cases can cause undue delay in providing treatment resources. Moreover, having criminal charges pending for extended periods often causes anxiety for defendants, but for the extended families of defendants and crime VICTIMS and the family and friends of crime victims.

There is also a significant PUBLIC HEALTH component to the work done by our office. We have Specialty Courts (Drug Court and Mental Health Court) where all participants undergo treatment/therapy, including medications as needed.

In addition, there are serious NEGATIVE ECONOMIC IMPACTS due to the backlog of cases and the COVID public health crisis. With cases pending that are not resolved, some defendants are in custody longer, costing more to house and care for; some defendants have trouble finding employment or housing the longer cases are pending; additional counseling and therapy may be required; we have had to improve infrastructure to allow for online meetings and court attendance at a cost; and the expansion of pretrial services is a significant economic impact to the operations of Davis County Government as persons are being supervised much longer, or in custody, than pre-pandemic. Costs such as additional drug screenings also add up. Plea in Abeyance costs also rise as we attempt to keep a handle on the backlog of cases.

**Description of process to ensure disadvantaged households are provided access to project**

Our office has a vibrant Victim Advocate Division and Children's Justice Division that works closely with assigned prosecutors to provide legal services and notifications and support to victims of crime, often vulnerable women and children. Staff and prosecutors will interact with and monitor victims on pending cases regularly, prepare them for court, address other needs, and work with their mental health professionals and others as needed. We track the progress of each interaction, notification, and court hearing in our case management system.

We must make cases move faster for the disadvantaged VICTIMS and DEFENDANTS.

Additionally, defendants are prejudiced if our cases cannot move forward, just as victims are seriously frustrated and sometimes want to give up on the system.

As for defendants whose cases we prosecute, we have to have the resources to meet their needs as we are constitutionally required to provide them equal access to justice and due process. As public defender coordinator Todd Utzinger shared with me because our interests here are precisely aligned: "All defendants are asked if they intend to hire private counsel or if they want to request the appointment of a public defender. If a defendant requests appointed counsel, the Court asks a series of questions to determine their income and financial status. A Court shall find an individual indigent if the individual has an income level at or below 150% of the United States poverty level as defined by the most recent poverty income guidelines published by the United States Department of Health and Human Services; or has insufficient income or other means to pay for legal counsel and the necessary expenses of representation without depriving the individual or the individual's family of food, shelter, clothing, or other necessities."

<b>Physical location where assistance will be provided</b>	Davis County, Utah
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<b>Geographic Service Area(s)</b>	Davis County, Utah
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### **Project Outline**

The SLFRF funding will address and combat the negative impacts caused by the COVID-19 induced public health emergency/crisis in the Criminal Justice System. We will employ three full-time prosecutors, 1 Victim Advocate, and 1 Paralegal to assist VICTIMS in the criminal justice process and prosecute cases expeditiously to ensure the due process and equal protection rights of persons facing criminal charges in the Courts of Davis County, Utah.

The addition of these employees will reduce the stress of VICTIMS, protect the rights of defendants by addressing the backlog of cases occasioned by COVID-19 restrictions reducing the number of cases handled by each prosecutor in our office, and allow us to meet the judiciary beefing up and adding additional judges to process case faster and get them to trial as needed months or even years ahead of where we would otherwise be. We will reduce the caseload per prosecutor to accomplish this.

The reduction of caseloads to pre-pandemic levels will enable prosecutors and staff to devote needed time and resources to VICTIMS and defendant cases pending for extended periods since the onset of the pandemic.

### **Project Outcome**

To effectively assist victims of crime and protect defendants' constitutional rights, reduce cases to pre-pandemic levels to address the negative impact of the COVID-19 induced public health emergency.

The desired outcome of this project will be to eliminate the backlog of criminal cases in the District, Justice and Juvenile Courts of Davis County occasioned by the COVID-19 pandemic. Success will be measured by comparing the number of current pending cases to the number of pending cases pre-pandemic, the number of pre and post-pandemic cases per weekly

criminal law court sessions, the number of pending trials, and other objective measures – such as the average time between the filing of a criminal case and case disposition.

**5. Schedule/Timeline**

*Timeline reflect the time from the start to end of subaward date.*

*Budget calculations should match figures in budget table.*

	4Q 2021	1Q 2022	2Q 2022	3Q 2022
Activities	Criminal Prosecution	Criminal Prosecution	Criminal Prosecution	Criminal Prosecution
Budget Expenditures (SOW funding source only)	\$180,769	\$180,769	\$180,769	\$180,769

	4Q 2022	CY 2023	CY 2024
Activities	Criminal Prosecution	Criminal Prosecution	Criminal Prosecution
Budget Expenditures (SOW funding source only)	\$180,769	\$766,460	\$812,448

List all obligated funding sources individually and funding amounts for this project.

Funding Sources	Amount	Notes
ARPA	\$2,482,753.00	

## 6. Budget Non-Construction

	ARPA	Other Federal Grants	State Funding	Local Funding, Grants, Donations	Other
Personnel	\$2,422,753.00				
Fringe Benefits					
Travel					
Supplies	\$60,000.00				
Contractual					
Construction					
Other (specify)					
Indirect Charges					
Program Income					

## 7. Budget Construction

	ARPA	Other Federal Grants	State Funding	Local Funding, Grants, Donations	Other
Administration and legal expenses					
Land, structures, rights-of-way, appraisals, etc.					
Relocation expenses and payments					
Architectural and engineering fees					
Project inspection fees					
Site work					
Demolition and removal					
Construction					
Equipment					
Miscellaneous					
Contingencies					
Project (program) income					