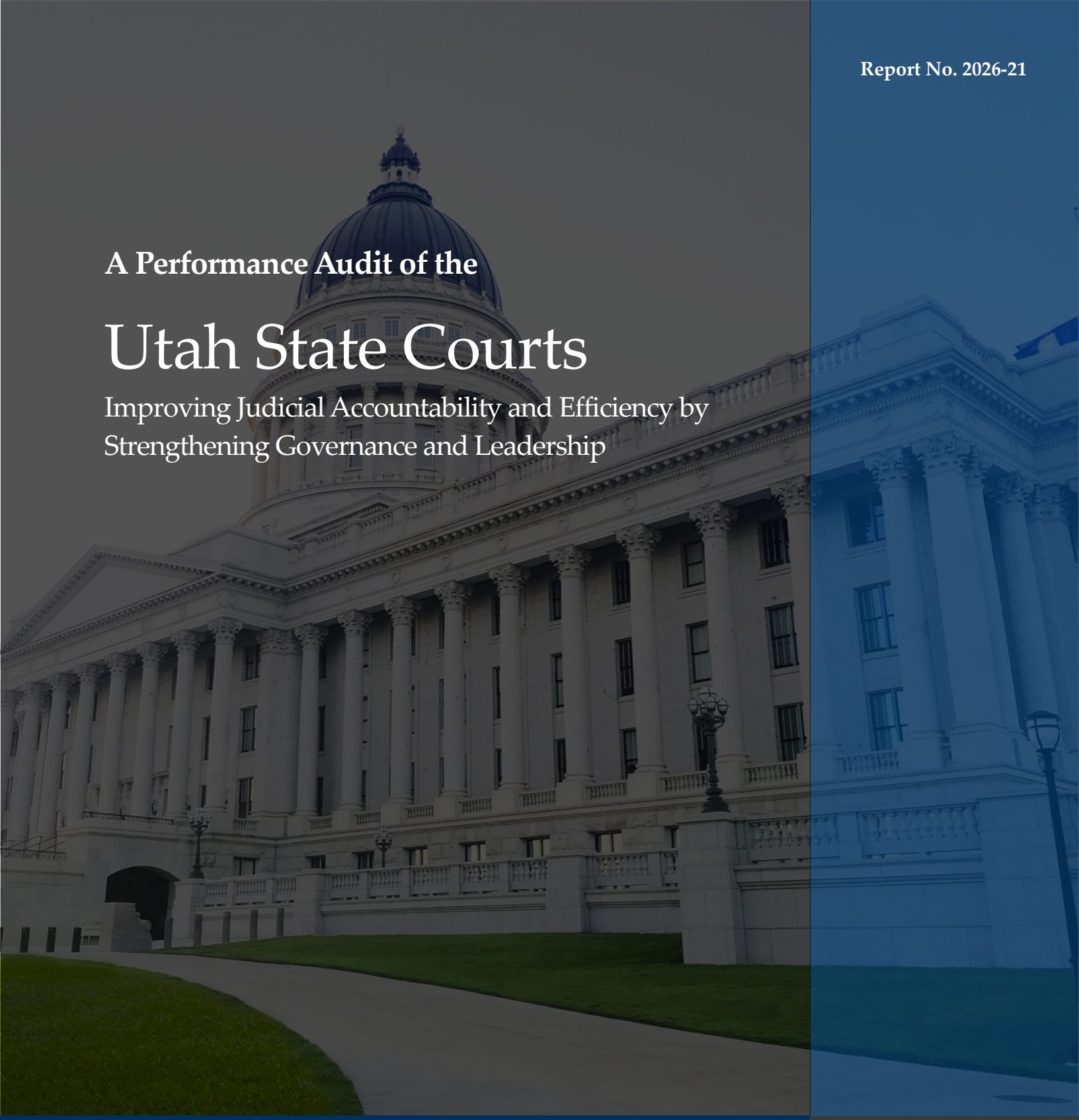
Report No. 2026-21



A Performance Audit of the

Utah State Courts

Improving Judicial Accountability and Efficiency by Strengthening Governance and Leadership

Office of the Legislative Auditor General

Report to the **UTAH LEGISLATURE**

LEGISLATIVE AUDITOR GENERAL

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September 30, 2026

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report:

"A Performance Audit of the Utah State Courts: Improving Judicial Accountability and Efficiency by Strengthening Governance and Leadership" [#2026-21].

An audit summary is found at the front of the report. The scope and objectives of the audit are included in the audit summary. In addition, each chapter has a corresponding chapter summary found at its beginning.

Utah Code 36-12-15.3(2) requires the Office of the Legislative Auditor General to designate an audited entity's chief officer. Therefore, the designated chief officer for Utah State Courts is Jill Pohlman. Associate Chief Justice Pohlman has been notified that they must comply with the audit response and reporting requirements as outlined in this section of ***Utah Code***.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

Kade Minchey

Kade R. Minchey, CIA, CFE

Auditor General

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AUDIT

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Audit. Lead. Achieve. ***These principles reflect both what we do and how we do it. We believe every organization can improve, and we can help. Our goal is to provide decision-makers with actionable information that supports continuous improvement, informed governance, and long-term success. To meet this goal, our findings must be objective, independent, and grounded in evidence. We design recommendations to be constructive, practical, and focused on helping organizations build upon their strengths. Our audits are designed to help policymakers better serve the people of Utah.***

What the Utah Judiciary Is Doing Well

The Utah judiciary has created a strategic plan focused on openness, fairness, and efficiency. Through this plan, the judiciary has identified priorities designed to create a respectful and welcoming environment for court users, employees, and stakeholders. The judiciary has also demonstrated a commitment to improving access to justice and strengthening public confidence in the courts.

How This Report Supports Improvement

While the Utah judiciary has created a strategic plan, it lacks a governance accountability framework to help ensure its objectives are achieved. Due in part to a strong emphasis on judicial independence, the judiciary has limited mechanisms for holding the court system accountable for progress toward its goals. This report identifies opportunities to strengthen the judiciary's ability to meet its strategic priorities. These opportunities include creating an accountability framework, better aligning key functions within the Administrative Office of the Courts, and routinely analyzing sentencing decisions throughout the system. Collectively, these improvements can strengthen accountability while maintaining judicial independence.

LEGISLATIVE AUDITOR GENERAL

AUDIT SUMMARY

REPORT 2026-21 | SEPTEMEBER 2026

Office of the Legislative Auditor General | Kade R. Minchey, Auditor General

PERFORMANCE AUDIT

A PERFORMANCE AUDIT OF THE UTAH STATE COURTS

AUDIT REQUEST

We were asked to evaluate the efficiency and effectiveness of the Utah state courts as part of a series of audits focused on Utah's criminal justice system.

Based on our audit findings, we chose to issue five reports focused on the judiciary. This report discusses governance and leadership concerns within the judiciary. It also highlights opportunities to strengthen the judiciary's ability to achieve its strategic objectives.

BACKGROUND

The judiciary plays a critical role in upholding the rule of law, safeguarding constitutional rights, and fostering public trust. As the judiciary's governing body, the Judicial Council created a strategic plan to help achieve these objectives and guide the administration of justice. The strategic plan also details the judiciary's commitment to being open, fair, inclusive, and efficient.

KEY FINDINGS

- Current Governance Practices Fail to Exercise Effective Oversight and Promote Internal Accountability
- Inconsistent Leadership Has Limited the Judiciary's Ability to Improve Efficiency and Effectiveness
- The Judicial Council's Inaction to Identify Sentencing Disparities Weakens Consistency, Fairness, and Transparency
- The Lack of Ownership of Sentencing Decision Reporting Limits Public Transparency and Insights Into Judicial Performance

RECOMMENDATIONS

- The Judicial Council should create, adopt, and continually monitor a formal governance accountability framework. The framework should connect judicial activities to measurable objectives.
- The Judicial Council should expand the role of the presiding judge to include performance management of judges within their districts.
- The Judicial Council should develop additional data metrics to measure organizational performance. It can direct its data and research team to analyze the data and inform leaders on statewide performance.
- The Judicial Council should develop and implement a formal process for routinely analyzing sentencing outcomes across judges, districts, and offense types and reviewing significant variation identified through that analysis.
- The Legislature should consider requiring the Department of Criminal Justice to publicly report guideline use, reasons for departures, and sentencing decisions.

REPORT SUMMARY

Governance and Leadership Gaps Weaken Judicial Accountability and Performance

The Judicial Council is the governing body of the Utah State Court system. Although the council has adopted a strategic plan, it has failed to provide a governance framework, strong leadership, or accountability mechanisms needed to ensure it is achieving its goals. As a result, strategic goals do not tie to day-to-day operations, performance issues remain unaddressed, and internal departments lack direction in implementing organizational improvements.

These governance weaknesses significantly limit the Judicial Council's ability to achieve its mission of a fair, efficient, and independent judiciary.

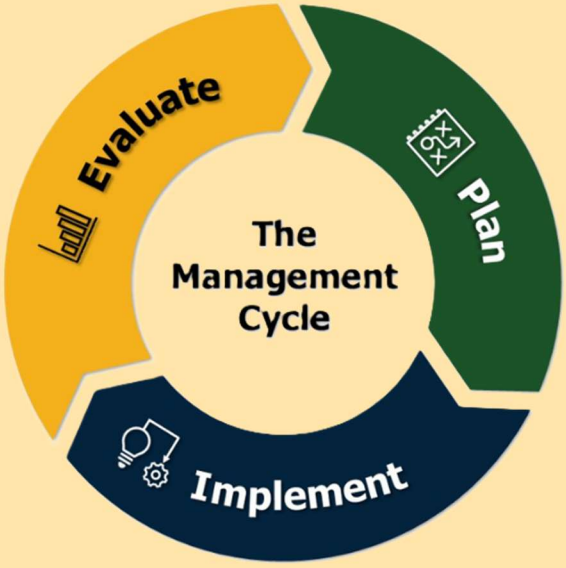
The Judiciary Does Not Effectively Monitor Whether Justice Is Applied Consistently

Judges possess judicial discretion when making sentencing decisions. Our analysis of judges' sentencing decisions identified significant differences in incarceration rates across judicial districts and individual judges. Without futher analysis, the judiciary cannot be sure whether justice is dependent on which district or judge is hearing the case.

Although Utah's sentencing guidelines are intended to promote consistency in the court system, there has never been a comprehensive evaluation to determine whether they are meeting this objective. Consequently, policymakers and the public have limited visibility into their effectiveness and how the guidelines are used in practice.

Implementing the Management Cycle Can Strengthen the Accountability and Performance of the Judiciary

Our *Best Practice Handbook (#2023-5)* outlines a continuous improvement framework that can help the judiciary address the weaknesses identified in this report. This includes establishing organizational priorities, directing implementation efforts, and evaluating outcomes (shown in the following figure). The framework ensures that strategic planning efforts are intentional and aligned with the organization's mission and objectives. An effective framework helps leaders identify barriers to organizational success, develop solutions, and make the necessary changes to achieve long-term goals and objectives.



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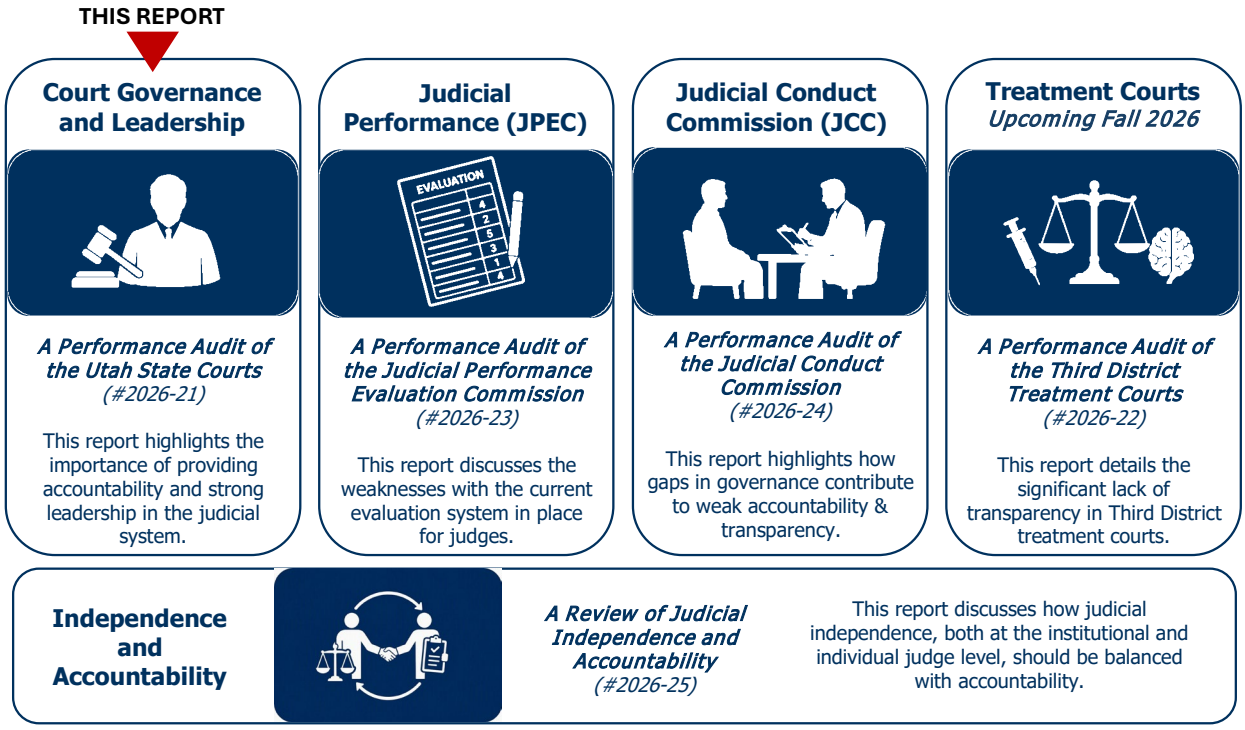
Introduction

This report is part of a series of audits evaluating the efficiency and effectiveness of the criminal justice system. Our initial focus, and the subject of this report, was the governance structure of Utah's court system. We identify opportunities to strengthen judicial governance and leadership to improve the judiciary's ability to achieve its strategic objectives. However, our audit work also identified significant concerns related to transparency and accountability. As a result, we are issuing a total of five reports that address these issues (shown below).



Source: Auditor generated.

Governance and Oversight of Utah's Judiciary Is Fragmented Across Multiple Entities

The structure of the judiciary is constitutionally divided between the Utah Supreme Court and the Judicial Council. Both the ***Utah Constitution*** and ***Utah Code*** provide guidance to ensure this system operates effectively and efficiently. However, weaknesses in governance and leadership[1] have limited the judiciary's effectiveness to meet those goals.

Both the Utah Supreme Court and the Judicial Council have responsibilities to promote an effective court system. For instance, the Supreme Court is responsible for establishing Rules of Evidence and governing the practice of law,

[1] Chapter 1 discusses these governance and leadership weaknesses in detail.

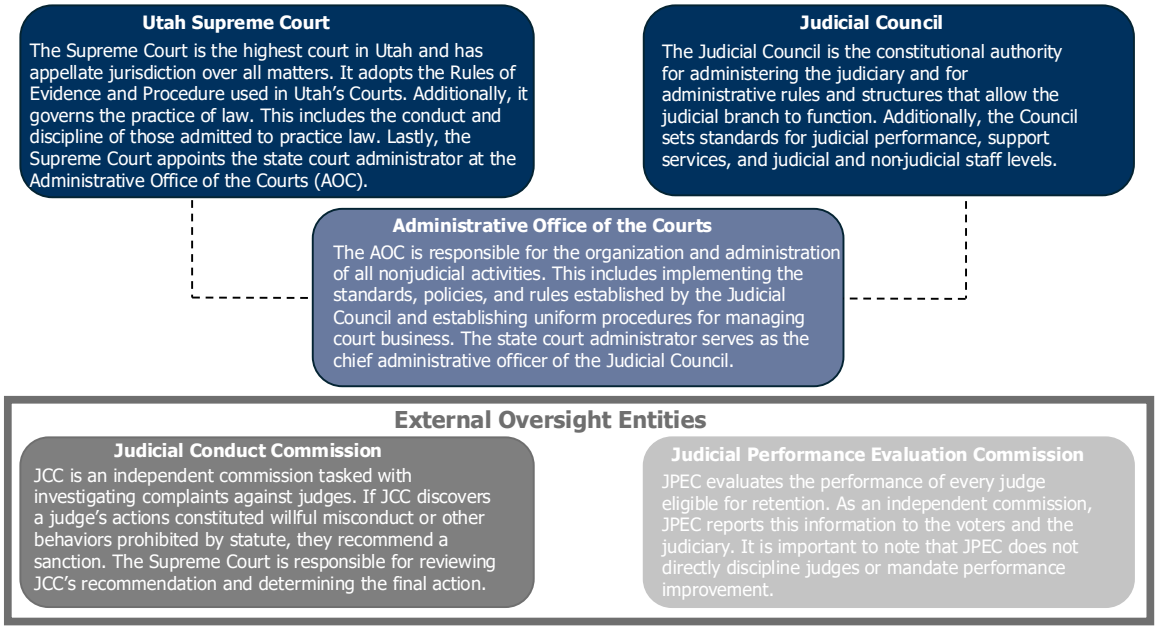
while the Judicial Council is responsible for providing broad oversight of the judicial branch.

As the governing body tasked with organizational oversight, the Judicial Council is primarily responsible for ensuring the judiciary operates effectively as an independent branch of government. It is responsible for the judiciary's strategic plan (see Chapter 1) and encouraging fairness and consistency of systemwide sentencing decisions (see Chapter 2). As such, this report focuses on the Judicial Council's leadership and oversight.

The Judicial Council is primarily responsible for ensuring the judiciary operates effectively as an independent branch of government.

The following figure shows the organization of the judiciary and summarizes the responsibilities of each entity involved in the governance or oversight function. It also includes some external entities charged with judicial accountability. These are discussed in separate reports.

Internal Governance Structure of the Judiciary



*Source: Auditor generated based on **Utah Constitution** and **Utah Code**.*

Governance and oversight extend beyond organizational structure. They also include the systems leaders use to promote performance and accountability. For example, strong governance systems develop performance frameworks that establish internal accountability mechanisms to hold an institution accountable to its objectives and outcomes. Without a clear performance framework, the judiciary cannot provide oversight to ensure objectives are achieved and institutional outcomes are improving.

The following chapters discuss how the Judicial Council can take a more proactive approach in the judiciary's success by creating a performance framework and strengthening leadership to achieve greater efficiency and effectiveness as an organization.

Recommendations Are Addressed to the Judicial Council to Help Accomplish the Organization's Original Intent

The Judicial Council was established in 1973 to provide uniformity and coordination in the administration of justice. As a centralized governing body, it develops administrative policies for courts throughout the state. However, its purpose extends beyond policymaking. The Judicial Council was designed to move the court system toward greater uniformity and efficiency. To accomplish this, the council establishes standards for judicial performance, support services, and judicial and nonjudicial staffing levels.

The Judicial Council was established in 1973 to provide uniformity and coordination in the administration of justice.

In short, achieving the judiciary's objectives requires a strong Judicial Council with the authority to effectively govern the entire court system. As such, the council should provide the judiciary with the tools needed to effectively and efficiently govern itself as an independent branch of government.

Audit Recommendations Are Designed to Help Improve the Judiciary's Governance and Accountability Structure

We believe the Judicial Council is best positioned to implement many of the recommendations contained in this audit.

We believe the Judicial Council is best positioned to implement many of the recommendations contained in this audit by strengthening the judiciary's internal governance structure. Similarly, the Legislature has the constitutional authority to pass laws and resolutions that influence the structure and operation of the courts.[2] As such, some recommendations are directed to the Legislature to help judicial governance. For example, Chapter 1 discusses how the Legislature can help improve judicial performance by formally expanding the role of the presiding judge. However, the Legislature could also consider additional methods not mentioned in this report to improve oversight of the judiciary.

[2] See our capstone report, *A Review of Judicial Independence and Accountability* (#2025-25), which examines the accountability mechanisms used by the different branches of government to promote effective governance.

That said, as the governing body, the Judicial Council's composition allows it to gather input from all levels of the court system and influence change throughout the judicial branch. The Chief Justice also plays a critical leadership role by supervising the implementation of Council policies and promoting the efficient operation of the courts. The Conference of Chief Justices has advocated for chief justices and state court administrators to assume a leadership role, regardless of organizational structure, to help create and sustain a culture of accountability and transparency. The Chief Justice is uniquely positioned as both the head of the Supreme Court and the chair of the Judicial Council and is well suited to provide the leadership needed to move the judiciary forward. Given these responsibilities, the Judicial Council, under the Chief Justice's leadership, can address the deficiencies identified in this audit to strengthen the judiciary's ability to achieve its mission.

The Chief Justice is uniquely positioned and well suited to provide the leadership needed to move the judiciary forward.

To do this, an effective judiciary must balance judicial independence and judicial accountability. Both principles help ensure that the judiciary is well positioned to govern itself.[3] Judicial independence is critical to the fair administration of justice. However, judicial independence and judicial accountability are not mutually exclusive. The Judicial Council acknowledged this principle in its 2025 Annual Report:

Judicial Council 2025 Annual Report:

"Judicial independence means that judges make decisions based on the facts in individual cases and what the law requires.…Judicial independence does not mean that judges are free from accountability."

[3] See our companion report, *A Review of Judicial Independence and Accountability* (#2026-25).

The judiciary can create an oversight and accountability framework system that promotes judicial independence in individual cases. The judiciary can simultaneously hold the judiciary accountable for system-level outcomes that advance its mission of delivering fair and efficient justice. Our recommendations reflect the mission of our office, which is to help organizations improve. This mission can be seen in the following graphic:

Governance and Leadership Gaps Weaken Judicial Accountability and Performance

BACKGROUND

The Judicial Council was established to provide strategic direction for the Utah Judiciary. Our review found significant gaps in governance and leadership that limit accountability, weaken performance oversight, and hinder the judiciary's ability to achieve its mission.

FINDING 1.1
Current Governance Practices Fail to Exercise Effective Oversight and Promote Internal Accountability

RECOMMENDATION 1.1
The Judicial Council should create, adopt, and continually monitor a formal governance accountability framework. The framework should connect judicial activities to measurable objectives and clearly define how judges contribute to and are accountable for advancing the judiciary's strategic plan and mission.

RECOMMENDATION 1.2
The Judicial Council should expand the role of the presiding judge to include performance management of judges within their district. This can assist the judiciary by establishing local accountability within individual districts.

FINDING 1.2
Inconsistent Leadership Has Limited the Judiciary's Ability to Improve Efficiency and Effectiveness

RECOMMENDATION 1.3
The Judicial Council should work with the internal audit director to ensure internal audits support the judiciary's strategic objectives. This should include developing an audit plan that focuses on core functions and governance. Audit areas should be directly tied to strategic goals and objectives.

RECOMMENDATION 1.4
Using the governance framework established in Recommendation 1.1, the Judicial Council should develop additional data metrics to measure organizational performance. It can direct its data and research team to analyze the data and inform leaders on statewide performance.

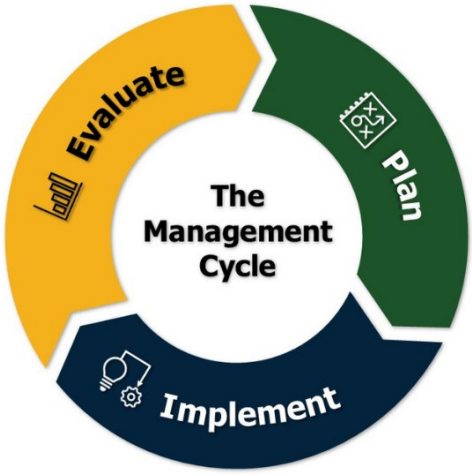
RECOMMENDATION 1.5
The Judicial Council should create, implement, monitor, and report on training standards for judges that help improve the performance of judges. This should include onboarding, periodic training, and individualized training requirements.

CONCLUSION

The governance and leadership structures currently in place do not provide the direction necessary to consistently improve judicial performance and organizational outcomes. By establishing a formal governance framework, strengthening judicial accountability, and taking a more active leadership role in internal oversight, the Judicial Council can improve outcomes and public confidence in the administration of justice.

Chapter 1
Governance and Leadership Gaps Weaken Judicial Accountability and Performance

The Judicial Council (the council) is the governing body of the Utah state courts system. As such, it is responsible for planning, implementing, and evaluating the judiciary's strategic direction. Although the council has adopted a strategic plan, it has failed to provide a governance framework, strong leadership, or accountability mechanisms needed to ensure it is achieving its goals. In particular, the council has not provided clear performance expectations for judges, who play a central role in advancing the judiciary's priorities. As a result, strategic goals do not tie to day-to-day operations, performance issues remain unaddressed, and internal departments lack direction in implementing organizational improvements. Without clear ownership and leadership, it remains unclear who is ultimately responsible for judicial success. These governance weaknesses significantly limit the Judicial Council's ability to achieve its mission of a fair, efficient, and independent judiciary.[4] This may lead to cases of inequitable justice,[5] leaving the judiciary vulnerable to criticism and potentially eroding public confidence in the fairness and integrity of the courts.



Our *Best Practice Handbook (#2023-5)* outlines a continuous improvement framework that can help the judiciary address these weaknesses. This includes establishing organizational priorities, directing implementation efforts, and evaluating outcomes (shown in the figure to the right). The framework ensures that strategic planning efforts are intentional and aligned with the organization's mission and objectives. An effective framework helps leaders identify barriers to

[4] To better understand current governance and leadership practices, we reviewed the court's strategic plan, annual reports, and Judicial Council meeting records; conducted a systemwide survey; and interviewed Judicial Council and Supreme Court members as well as 30 district and appellate court judges across 7 of Utah's 8 judicial districts. We contacted all judicial districts and were able to meet with all but one. We also interviewed staff at the Administrative Office of the Courts (AOC).

[5] See Chapter 2 for further details.

organizational success, develop solutions, and make the necessary changes to achieve long-term goals and objectives.

1.1 Current Governance Practices Fail to Exercise Effective Oversight or Promote Internal Accountability

Effective organizations use strategic planning as a roadmap to connect long-term objectives with daily operations and decision-making. The judiciary created a strategic plan centered on fairness and efficiency and has taken some steps to implement it. However, the council has not developed an accountability framework, created performance measures, or established mechanisms to address barriers to achieving its goals. In short, the judiciary lacks a structured method to know if it's achieving its mission or core purpose.

While the judiciary created a strategic plan centered on fairness and efficiency, it has not developed an accountability framework to achieve its goals.

The judiciary's strong emphasis on judicial independence appears to be a significant factor contributing to this inaction.[6] While we agree that judicial discretion is important and must be preserved, independence alone is not sufficient to produce a high performing judiciary. Both independence and accountability are essential to a fair and efficient judicial system. However, some judicial leaders reported that establishing internal performance expectations for judges would be inappropriate given their independence and discretion. As a result, the Judicial Council relies heavily on individual judges to determine whether and how they will support the judiciary's strategic objectives. Without clear expectations or methods to measure performance, the council is limited in its ability to assess progress toward its strategic priorities. It also hinders transparency to the taxpayers who fund it, undermining its strategic value of openness.

The Judiciary's Governance Framework Fails to Adequately Include Judicial Accountability

The governance of the judiciary is fragmented.[7] Good governance requires clear lines of responsibility and accountability, particularly in systems like the judiciary with unclear or overlapping authority. As such, the Judicial Council

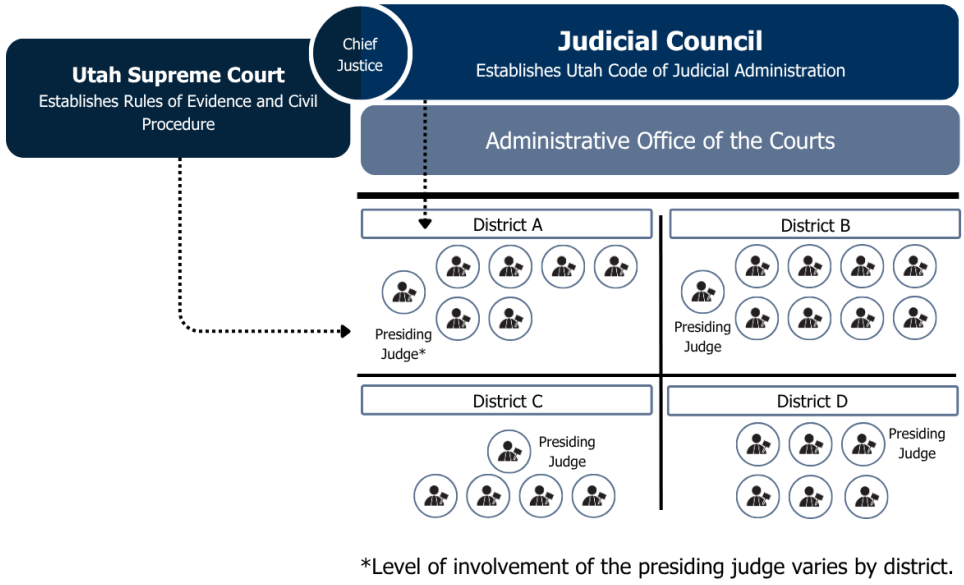
[6] See our capstone report, *A Review of Judicial Independence and Accountability* (#2026-25).

[7] See Introduction for more detail.

should establish an accountability framework[8] and mechanisms to monitor how judicial performance ties to strategic objectives.

While both the Judicial Council and Supreme Court establish rules and policies for the courts (as shown in the figure below), individual judges do not directly report to either entity for performance. Instead, statute establishes external accountability entities for judges. However, these external entities lack mechanisms to oversee courtroom performance or adherence to the strategic plan.[9] Judicial leadership reported reluctance to establish internal accountability or performance expectations for judges because of concerns about preserving judicial independence. As a result, no entity within the judiciary's governance structure has formal responsibility for addressing poor judicial performance or outcomes that may be inconsistent with the judiciary's strategic plan.

Figure 1.1 Judicial Oversight and Decision-making are Dispersed Across Multiple Entities. This figure shows the oversight responsibilities of the Judicial Council, Utah Supreme Court, and Administrative Office of the Courts on districts within the Utah Judiciary. Districts shown are hypothetical, designed to illustrate how structure within each district can vary.



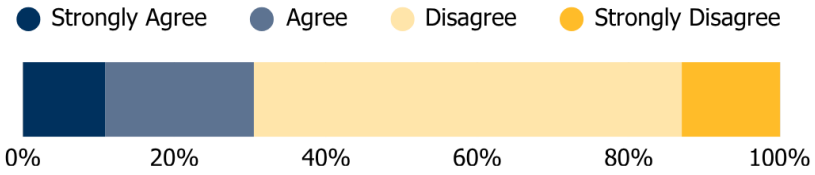
Source: Auditor generated.

[8] The judiciary should create and utilize an accountability framework to help guide its actions. This will be discussed in more detail in the following sections.

[9] The Judicial Conduct Commission (JCC) addresses judicial misconduct, while the Judicial Performance Evaluation Commission (JPEC) focuses on providing voters with information about judicial performance. However, neither process is tied to the judiciary's strategic plan or provides plans for judicial improvement. Furthermore, our office found significant concerns in both organizations. See *A Performance Audit of the Judicial Performance Evaluation Commission* (#2026-23) and *A Performance Audit of the Utah Judicial Conduct Commission* (#2026-24).

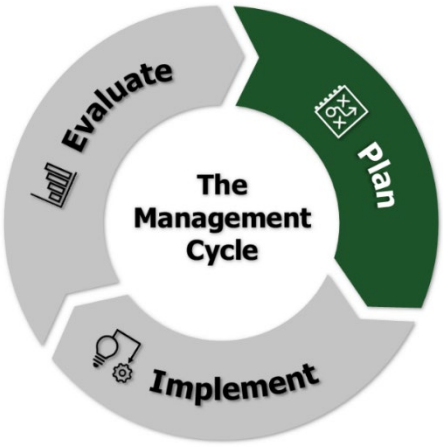
Even some judges consider themselves disconnected from the governance structure, and some reported receiving insufficient feedback and operating with limited oversight. Survey responses also revealed disagreement among judges regarding accountability to leadership, as shown on the following figure. Some judges viewed the Judicial Council as able to hold them accountable, while most rejected that idea.[10]

The Judicial Council's primary function is to provide strong oversight and hold judges accountable for performance and decision-making.



Source: Auditor generated based on our office's systemwide survey of district court judges.

The Lack of a Strong Governance Framework Has Impeded the Judiciary's Ability to Meet Its Strategic Goals



The National Center for State Courts (NCSC) emphasizes the importance of strategic planning as a governance tool for improving court operations and the delivery of justice. However, we found significant breakdowns in the judiciary's strategic planning process that impede its ability to fulfill its mission. We highlight two of these weaknesses.

The Strategic Plan Fails to Properly Address Judicial Performance. Several judges are unaware of the judiciary's strategic plan. Others report it has little relevance to their work and does not influence their performance. Judges are responsible for many of the courts' most critical functions and make some of the most consequential decisions in the criminal justice system. Yet only 1 of the 59 action

[10] Judicial leaders stated that judges may have interpreted this specific survey question as two distinct ideas. For example, judges may recognize the Judicial Council as the judiciary's governing body but question its authority to hold them accountable. Even so, this highlights our finding that the judiciary lacks a clearly defined accountability framework. Interviews further showed that many judges were unaware of the council's governing role and uncertain about its accountability responsibilities.

items in the judiciary's operational plan[11] measures judicial behavior. Even that measure is limited to improving the clarity of language used from the bench.

Further, the Utah Code of Judicial Administration (UCJA)[12] states that individual judges are responsible for carrying out their duties consistent with the fair and efficient administration of justice and the council's goals. However, some judicial officers reported that judges are excluded from performance metrics because they are independent constitutional officers. Consequently, the Judicial Council relies on individual judges to align their work with strategic objectives without a framework to monitor performance or assess progress toward those objectives.

Thus, the strategic plan lacks mechanisms to influence judicial performance or advance greater consistency in judicial decision-making. The Judicial Council does not have an established method to determine whether judge's decisions align with strategic priorities. In Chapter 2, we expand on this concern by discussing how the absence of performance metrics has limited the judiciary's ability to identify and address variation in incarceration rates across the state.

The Strategic Plan Fails to Sufficiently Address Case Efficiency and Timeliness. For over a decade, the judiciary and the Legislature have formally recognized that cases before the courts should be resolved in a timely manner. As such, timeliness acts as a critical measure of court performance by establishing metrics to promote timely case resolution. The Judicial Council's strategic priorities likewise identify the timely and fair resolution of legal matters as "fundamental to justice." Yet timeliness is absent from goals and strategies within the strategic plan. By excluding timely case resolutions from the strategic plan, the Judicial Council has weakened its ability to monitor and improve performance in an area it has identified as essential to justice.

The Judicial Council has failed to incorporate one of its stated priorities—timeliness—into the strategic framework used to guide and evaluate court performance.

A performance accountability framework helps courts achieve their mission by connecting daily operations to strategic goals. According to the National Association for Court Management, accountability mechanisms ensure that performance information is collected and analyzed so courts can demonstrate, rather than assume, effective performance. To accomplish this, the courts should establish specific performance measures aligned with their strategic objectives as part of a broader management framework. The framework should also define

[11] The operational plan is a bridge between the high-level strategic goals of an organization and the day-to-day activities necessary to achieve those goals.
[12] UCJA Rule 3-103

clear reporting lines that engage individuals responsible for results and hold them accountable for advancing strategic priorities.

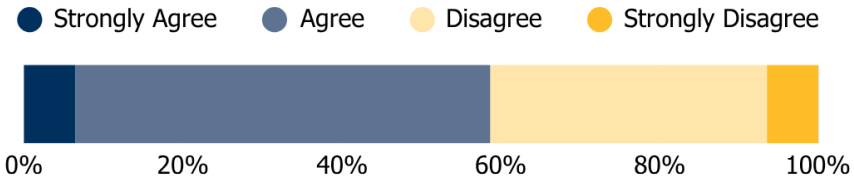
RECOMMENDATION 1.1

The Judicial Council should create, adopt, and continually monitor a formal governance accountability framework. The framework should connect judicial activities to measurable objectives and clearly define how judges contribute to and are accountable for advancing the judiciary's strategic plan and mission. Success would be demonstrated through established performance measures, regular monitoring of results, documented accountability discussions, and evidence that judicial activities are contributing to strategic objectives. Doing so will help the judiciary improve its goal of achieving a fair and effective justice system.

Presiding Judges May Be Able to Fill in the Gap of Performance Accountability and Report Back to the Judicial Council

While the Judicial Council should establish an accountability framework for the entire judiciary, presiding judges can strengthen accountability at the local district level. Presiding judges are responsible for the effective operation of their judicial district. However, it is unclear what responsibility they have to influence, monitor, or address the performance of judges within their individual districts. Practices and opinions among presiding judges are inconsistent regarding their role in holding other judges accountable within their district. In our survey, judges were divided on the role of presiding judges to hold other judges accountable for poor performance. This is shown in the following figure.

Presiding judges have the ability to hold judges accountable for poor performance.

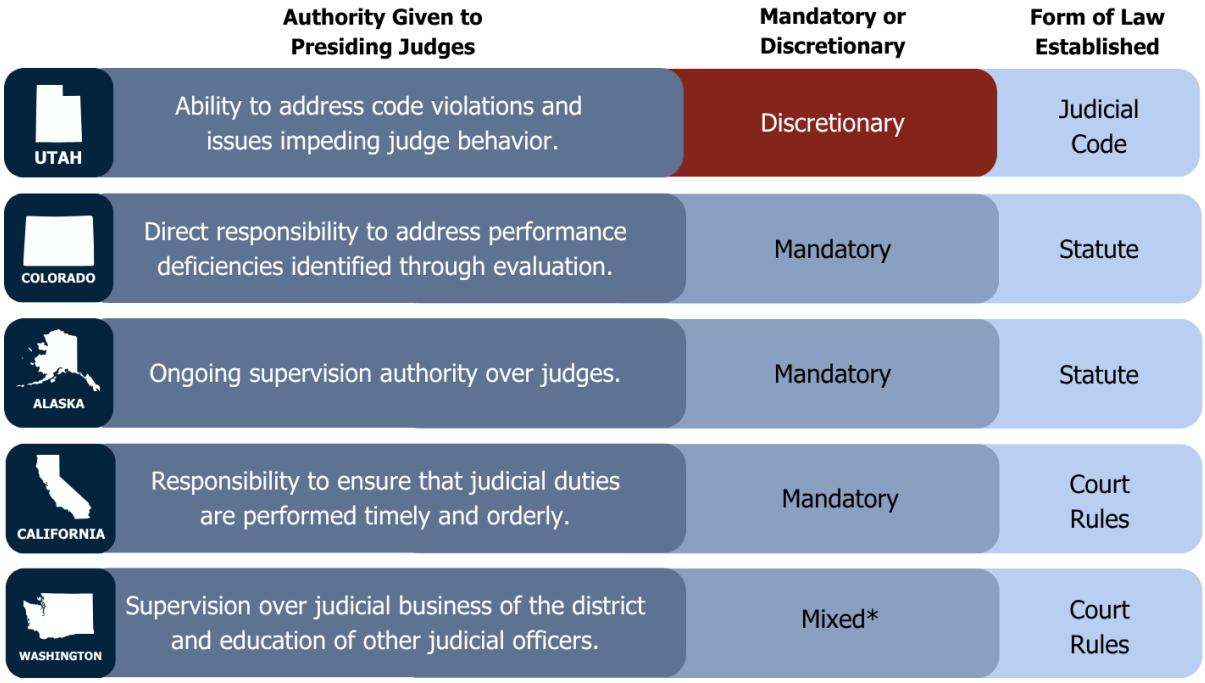


Source: Auditor generated based on our office's systemwide survey of district court judges.

Interviews confirmed that presiding judges manage performance issues differently across districts. Judges report that decisions about when to step in to

address performance issues are generally left to the discretion of each presiding judge, resulting in inconsistent oversight throughout the judiciary.

As shown in the following figure, other states require presiding judges to directly address performance deficiencies and supervise individual judges. In Utah Judicial Code, presiding judges are permitted but not required to meet with noncompliant[13] judges.



*Supervision is mandatory; education/mentoring is discretionary.

Source: Auditor generated based on information from publicly available sources on judicial code, statutes, and rules for listed U.S. states.

We recommend that the Utah Judicial Council formalize the process for presiding judges to work individually with low-performing judges to enhance accountability in the Utah judiciary.

As discussed in *A Review of Judicial Independence and Accountability* (#2026-25), the Legislature can also influence accountability and transparency within the judiciary by exercising its legislative authority. In this case, the Legislature could more clearly define the role of presiding judges in ***Utah Code***. This could include

[13] Judicial Code allows a presiding judge to take some action if a judge does not follow his or her administrative directions, interferes with the effective operation of the court, abuses judicial position, shows signs of impairment, or violates Judicial Code. Poor performance is not listed as grounds for intervention from a presiding judge.

responsibilities and expectations for managing judicial performance and establishing accountability within their districts.

RECOMMENDATION 1.2

The Judicial Council should expand the role of the presiding judge to include performance management of judges within their district. This can assist the judiciary by establishing local accountability within individual districts.

1.2 Inconsistent Leadership Has Limited the Judiciary's Ability to Improve Efficiency and Effectiveness

Many of the deficiencies described in the previous section could be addressed with strong leadership. Once an accountability framework is established, effective leaders can use it to align priorities, inform decisions, and improve organizational efficiency. However, judicial leaders have not consistently exercised this role. This has resulted in longstanding deficiencies, including weaknesses in the internal audit functions, training, and general oversight. Given the complex governance structure described in the Introduction, clear and effective leadership is needed to advance the mission and goals of the judiciary. As a former Utah Supreme Court Chief Justice noted, the judiciary must have dynamic, effective leadership to move the system forward.[14]

Former Chief Justice Michael Zimmerman

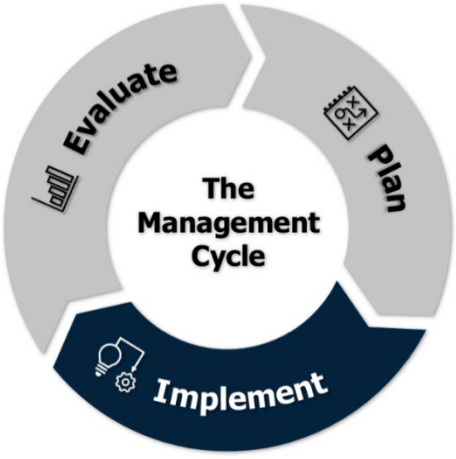
"…the spark of leadership is still necessary to move the system forward. The court system under the 1984 Judicial Article is set up with three power centers, the Judicial Council, the Chief Justice, and the Court Administrator…for the system to stay healthy, at least one of those centers must be willing to display dynamic leadership."

Leadership's Limited Guidance Has Left Performance Issues Unresolved

Leaders are accountable not only for developing a strategic plan but also for implementing it effectively so the organization can achieve its mission. Ineffective leadership may result in poor organizational performance, while

[14] Utah Judicial Council, *Utah Judicial Council History: The Foundation Period, The Period of Dynamic Change, The Period of Consolidation 1973-1997 (1998)*, 46 (summarizing an interview with former Chief Justice Zimmerman).

effective leadership can have a powerful impact on the success of an organization.



As seen by the deficiencies described in the previous sections, the Judicial Council has not adequately fulfilled its leadership responsibility to broadly oversee and improve the organization. This is due, in part, to leadership not aligning the Administrative Office of the Courts[15] to perform functions that help move the organization toward its goals. As such, the Judicial Council should ensure that the AOC has clear direction and uses meaningful performance measures to support organizational success. The following figure highlights leadership gaps identified in three of the AOC's internal departments. Deficiencies in these departments have the potential to influence the entire judiciary's ability to achieve its mission.

Department	Judicial Council Role	Current Practices
Internal Audit Team	Align audit to strategic mission and initiatives	Audits do not address strategic goals
Data and Research Department	Use performance data to inform areas of needed improvement	Data is left unused
Standing Education Committee	Address training gaps for judges	Known gaps are unaddressed

Source: Auditor generated based on information from national and our office's best practices, discussions with AOC staff members, and the court's internal audit plans.

Internal Audit Planning Should More Fully Incorporate All High-Risk Areas

The Judicial Council and AOC have not aligned internal audit activities to identify and address the judiciary's highest-risk areas. Although the Judicial

[15] The AOC is the administrative arm of the judiciary. While the Judicial Council is the governing body, the Supreme Court appoints an administrative officer of the court to manage the administrative responsibilities of the branch. This officer operates under the authority of both the Supreme Court and Judicial Council.

Council has established strategic objectives, those objectives are not reflected in the judiciary's audit plan.[16] Instead, recent audits have primarily focused on financial controls rather than governance or performance risks that could impede the judiciary's mission. While financial oversight is important, an internal audit function should also evaluate governance structures and accountability mechanisms to determine whether they are supporting organizational goals. In both 2019 and 2024, the internal audit team's self-assessments[17] similarly found that governance weaknesses were not being addressed. However, in the years following these assessments, the internal audit team has still not fully addressed these additional high-risk areas. The following timeline illustrates this breakdown.

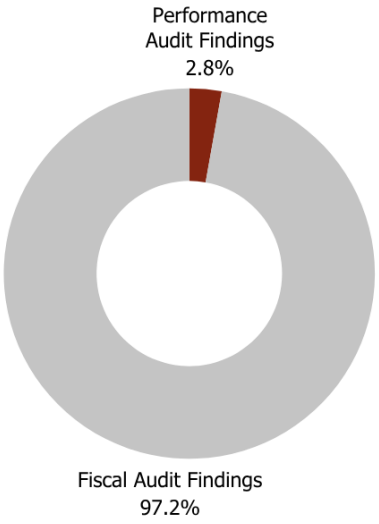
Source: Auditor Generated based on information from quality assurance reports provided by the Utah AOC's Internal Audit Director.

The Judicial Council should ensure that internal audit resources are directed to areas with the greatest risk to the judiciary's success. While the Council is responsible for approving audit priorities, internal audit should look for ways to provide value for the organization. For instance, internal audit can focus its work on risk areas with high impact, directly related to the judiciary's strategic objectives or governance. Considering additional risk areas can help improve the organization.

[16] The audit plan is approved by the Judicial Management Committee. Additionally, the internal audit director reported that they can recommend audit areas for consideration.

[17] National audit standards require internal audit shops to perform an external quality assessment or conduct a self-assessment with independent validation every five years. The AOC conducted self-assessments during both review cycles, which were independently validated by the Utah Department of Workforce Services and the Oregon Judicial Department Office of Internal Audit, respectively.

We reviewed AOC audits published over the last 10 years and found that only 2 of the 71 findings or recommendations related to organizational performance (as shown in the figure to the left). Most findings were compliance related, focusing on fiscal[18] and process controls. While important, none of the findings discussed how they impact or accomplish strategic goals and objectives. Because of this, it appears that internal audit is not properly addressing governance or leadership in its audit findings and recommendations. A focus on financial controls may neglect important areas related to the council's mission, weakening the judiciary's ability to identify internal threats to accomplishing its strategic objectives.



Source: Auditor analysis of the court's internal audit reports.

RECOMMENDATION 1.3

The Judicial Council should work with the internal audit director to ensure internal audits support the judiciary's strategic objectives. This should include developing an audit plan that focuses on core functions and governance. Audit areas should be directly tied to strategic goals and objectives. Success will be demonstrated through audit plans aligned with the strategic plan and audits that identify risks to strategic objectives and provide recommendations to address those risks.

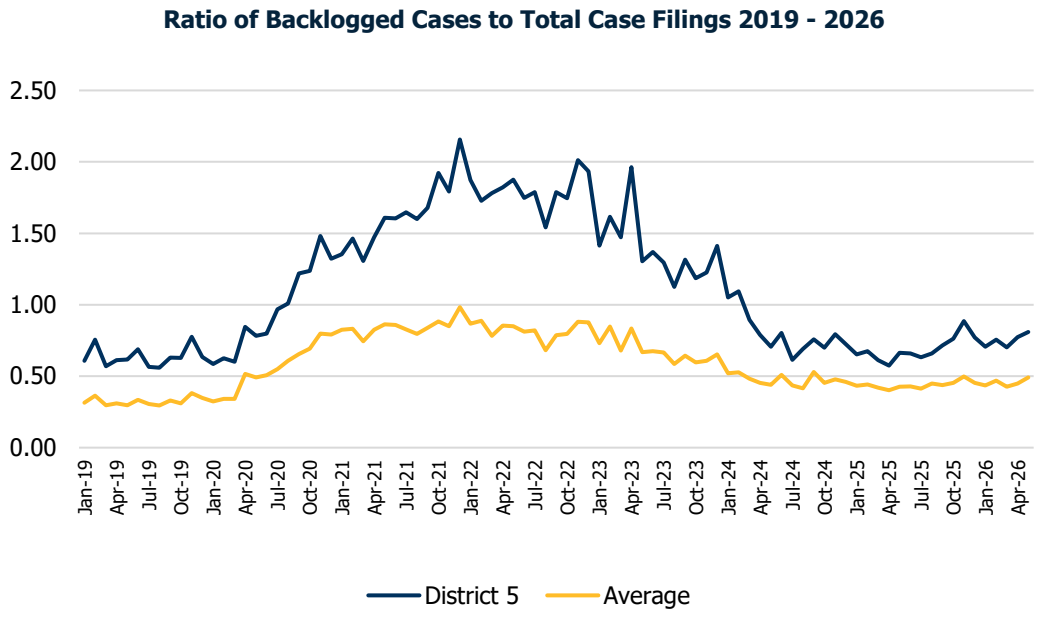
Leadership Collects but Does Not Use Data That Would Drive Improvement

The judiciary collects significant amounts of data but does not regularly evaluate it to improve organizational performance. Although the Judicial Council receives performance data, including reports on time-to-disposition and backlog metrics, council members reported that they do not review or discuss the information they receive to identify needed improvements. As a result, districts may experience prolonged performance issues without meaningful oversight.

[18] Fiscal audits include verifying financial records, verifying protection of judicial assets, and assessing compliance with fiscal policies, procedures, best practices, laws, and rules.

As an example, District 5 maintained backlog levels significantly above the statewide average for nearly three years. In response to high backlogs, both the Legislature and the Judicial Council approved additional funding to assist, which improved case backlogs in recent years (see Figure 1.2). Even so, District 5 remains higher than the state average. The council can continue to improve its systemwide evaluation of data to determine the cause of these delays.

Figure 1.2 A High Number of Backlogged Cases in District 5 Remained Significantly Above Average for Three Years. This demonstrates an example of how districts that go unmonitored can threaten timeliness in the Utah courts.



Source: Auditor generated using data provided by the AOC.

Effective leaders use data to identify concerns, make informed decisions, and improve organizational outcomes. The National Center for State Courts (NCSC) emphasizes the importance of creating a data-driven culture by using data to inform decisions, improve efficiency, and ultimately better serve the community. In Chapter 2, we highlight how the judiciary can analyze sentencing decision data to determine if judges' decisions are achieving the organization's goals. Beyond sentencing data, the AOC's data and research department is well positioned to compile, analyze, and inform leadership on various data metrics to monitor performance.

RECOMMENDATION 1.4

Using the governance framework established in Recommendation 1.1, the Judicial Council should develop additional data metrics to measure organizational performance. It can direct its data and research team to analyze the data and inform leaders on statewide performance. If successfully implemented, this data will provide the Judicial Council with helpful information to improve organizational effectiveness and efficiency, identify and address performance issues, and track and improve selected measures related to fairness and efficiency.

Training Deficiencies Limit Growth in Judge Performance

Leadership is responsible for ensuring that training adequately prepares employees for their duties, develops critical skills, and establishes performance expectations. According to the strategic plan, training for judges is meant to improve consistency, fairness, and efficiency. However, leaders have not established metrics or formally monitored if training is meeting this goal. Specifically, the council has known about onboarding training deficiencies but did little to correct them.

While the AOC reports that the initial onboarding process has improved in recent years, some judges themselves state that it remains insufficient. Many Utah judges start with a full calendar on their first day without any training or onboarding. Some judges reported receiving murder, rape, or high-profile cases with insufficient training. In one case, a judge stated that within seven weeks of taking the bench they received an aggravated murder case with significant national attention. The lack of onboarding training has left some judges feeling unprepared to handle complex cases. The AOC's education director stated that onboarding and training concerns had previously been raised with the Judicial Council. However, onboarding has been left to the discretion of individual districts. This could allow known issues to persist.

Issues regarding onboarding and training have been brought to the Judicial Council before, but the council has chosen not to act.

Best practices recommend initial onboarding training for new judges. For example, the Federal Judicial Center has established a multi-phase, skills-based onboarding program for new district judges. Rather than selecting from a broad menu of courses to satisfy a minimum hour requirement,

judges complete specific training identified as critical to judicial success.

Some states, such as New Mexico and Montana, also require judges to complete specified onboarding and training requirements before presiding over cases. We recommend the Judicial Council establish stronger onboarding training for new judges and then monitor that training is completed.

RECOMMENDATION 1.5

The Judicial Council should create and implement training standards for judges that help improve the performance of judges. This should include onboarding, periodic training, and individualized training requirements. The council should monitor and report on whether training deficiencies are being corrected using performance metrics. Success will be demonstrated with performance data to guide training and development efforts, improved training plans and requirements, and evidence that identified training gaps are being addressed.

In conclusion, internal accountability is a necessary component of effective self-governance. The recommendations in this chapter are designed to help the Judicial Council take better ownership of the judiciary by developing an accountability framework that ties internal actions—such as internal audit, data analysis, and training—to its strategic goals. They can also utilize this framework to empower presiding judges at the district level and strengthen leadership to direct organizational actions.

The Judiciary Does Not Effectively Monitor Whether Justice Is Applied Consistently

BACKGROUND

Utah's sentencing system relies heavily on judicial discretion. Judges impose the sentence in nearly all criminal cases. Because judges retain broad discretion, oversight is important to ensure sentencing practices remain fair and consistent.

FINDING 2.1
The Judicial Council's Inaction to Identify Sentencing Disparities Weakens Consistency, Fairness, and Transparency

RECOMMENDATION 2.1
The Judicial Council should develop and implement a formal process for routinely analyzing sentencing outcomes across judges, districts, and offense types and reviewing significant variation identified through that analysis. This process will help judicial leadership identify, understand, and address significant variation in sentencing outcomes.

RECOMMENDATION 2.2
The Judicial Council should develop and distribute routine comparative sentencing reports for judges and judicial leadership. These reports should help judicial leadership identify training and improvement opportunities.

FINDING 2.2
The Lack of Ownership of Sentencing Decision Reporting Limits Public Transparency and Insights Into Judicial Performance

RECOMMENDATION 2.3
The Legislature should consider requiring the Department of Criminal Justice to publicly report guideline use, reasons for departures, and sentencing decisions. This reporting will create transparency, provide information about statewide sentencing patterns, and potentially improve criminal justice outcomes for Utah citizens.

CONCLUSION

Significant variation exists in sentencing decisions across districts and judges, yet the judiciary does not routinely analyze these outcomes. Without systemwide analysis and reporting, the Judicial Council lacks information needed to oversee sentencing practices, and policymakers and the public lack transparency into whether Utah's sentencing system is producing fair and consistent outcomes.

Chapter 2
The Judiciary Does Not Effectively Monitor Whether Justice Is Applied Consistently

We conducted an analysis of judges' sentencing decisions and identified significant differences in incarceration rates across judicial districts and individual judges. Without further analysis, we cannot be sure whether justice is dependent on which district or judge is hearing the case. The Judicial Council has not prioritized an evaluation of systemwide sentencing decisions[19] and is unaware of sentencing differences within the system. Without systemwide information on judicial sentencing practices, the judiciary does not have the tools to meet its own strategic priorities of fairness and consistency.[20] Furthermore, policymakers and the public lack visibility into the outcomes the judicial system is producing.

The most effective organizations have a management framework that uses data and information to drive meaningful improvements. However, the judiciary lacks a similar framework for using data to evaluate sentencing decisions and improve sentencing practices. As discussed in Chapter 1, our *Best Practice Handbook*'s (#2023-5) Management Cycle can be used to strengthen governance and oversight. This chapter focuses on the cycle's third phase, evaluation,[21] which involves collecting information, analyzing it, and using results to improve organizational effectiveness.

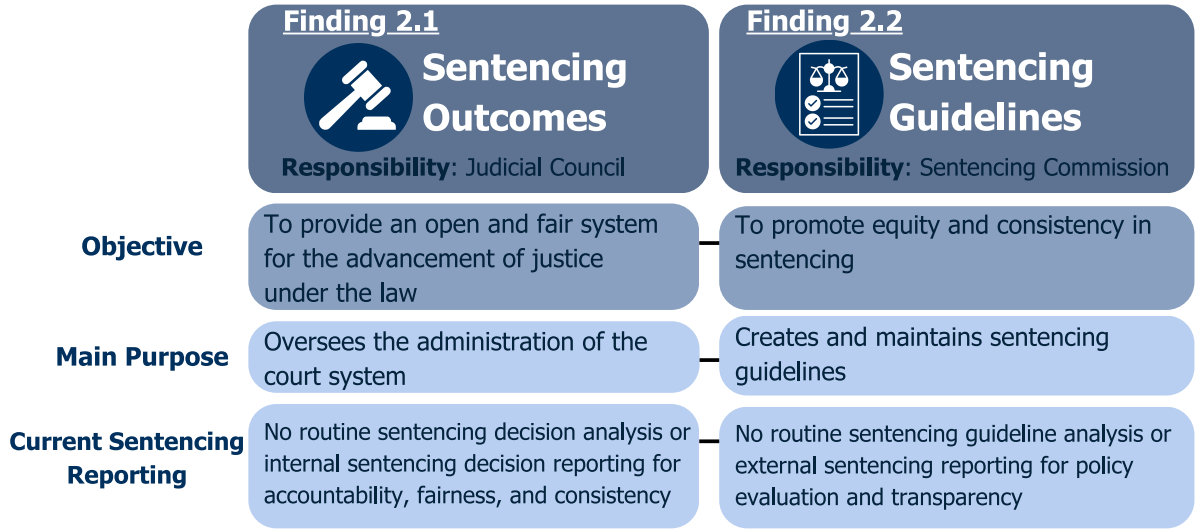
We have separated this chapter into two sections: Finding 2.1 discusses how sentencing decisions play a vital role in the judiciary's priority of a fair and effective system. Finding 2.2 provides a recommendation to the Legislature to allow the recently established Department of Criminal Justice (DOCJ) to improve

[19] Even though 99% of third-degree felony cases resolve through plea agreements rather than trials, judges impose the sentence in nearly all criminal cases.

[20] Although the judiciary's strategic plan does not specifically identify consistency as a core value, the Utah Sentencing Commission has identified consistency as important to fairness. In this report, we refer to both together to clarify this idea.

[21] Chapter 1 covers the first two phases, planning and implementation.

transparency of sentencing decisions. The following figure provides an overview of the chapter:



Source: Auditor generated based on audit work.

2.1 The Judicial Council's Inaction to Identify Sentencing Disparities Weakens Consistency, Fairness, and Transparency

The Judicial Council is responsible for ensuring that the judiciary's values of fairness, consistency, and transparency are achieved. The council needs to do more to fulfill this responsibility. Sentencing decisions are critical to ensuring these goals are met. In fact, Utah's Sentencing Commission creates guidelines to promote consistency and fairness for similarly situated offenders. These guidelines are advisory, however, and judges can still use individual discretion to make sentencing decisions.[22] We found that the Judicial Council does not routinely review sentencing decisions to evaluate consistency with guidelines or determine whether sentencing practices are promoting a fair judicial system.

Because the judiciary has not conducted an evaluation of sentencing decisions, our team performed an analysis of third-degree felonies.[23] We recognize that this

[22] DOCJ analysis showed that sentencing guideline worksheets were only completed in 57% of felony cases from April 2025 to April 2026. This means guideline recommendations were not generated in 43% of felony cases. Finding 2.2 discusses sentencing guidelines.

[23] Our analysis relied exclusively on data that the Administrative Office of the Courts (AOC) collects and maintains. We worked with the AOC's data and research team to ensure the data were analyzed appropriately and findings were presented objectively. We focused on all third-degree felonies because they provide a large sample of cases and allow judicial discretion, enabling meaningful comparisons of sentencing decisions.

analysis is only a starting point for a systemwide assessment. Further efforts are needed to produce additional insights into the broader court system. It is essential that the judiciary fills this gap by improving its oversight of data collection and analysis. Doing so will better position the judiciary to achieve its strategic goals and support the delivery of a fair justice system.

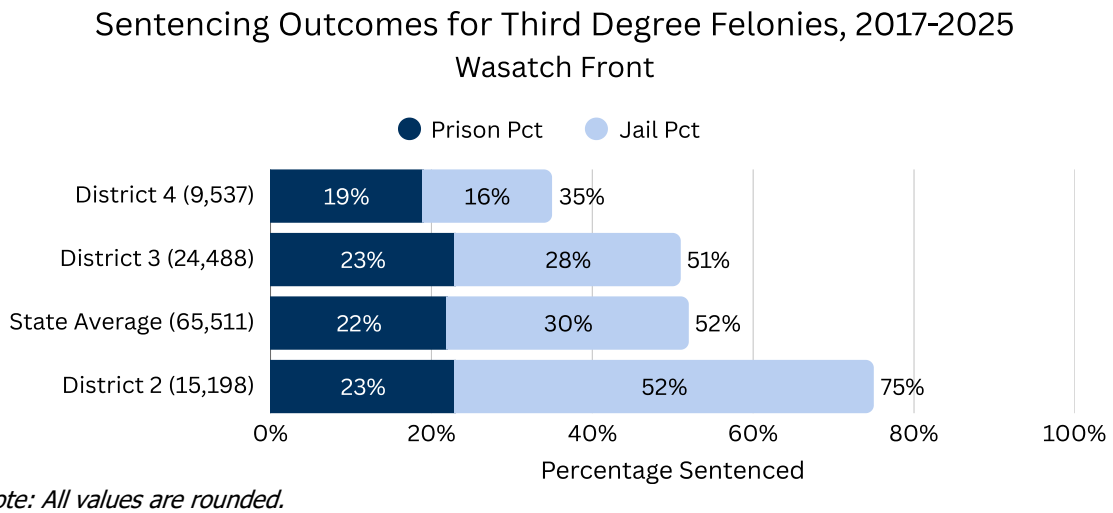
The Judiciary Does Not Routinely Analyze Sentencing Decisions, Failing to Identify Outcome Differences and Risking Inconsistent Justice

Our analysis shows sentencing decisions vary significantly across districts and judges.

Our analysis found significant differences in sentencing decisions across districts and individual judges. These differences have not been identified or addressed by the Judicial Council. For example, we found that some districts sentenced offenders to prison or jail at more than twice the rate of other districts. We also found that some judges within the same district vary significantly in sentencing offenders to prison or jail.[24]

Among Wasatch Front districts, incarceration rates for all third-degree felony offenders ranged from 35% in District 4 to 75% in District 2 (see Figure 2.1 below). These differences raise concerns regarding fairness and consistency in sentencing practices.

Figure 2.1 Incarceration Rates for Third-Degree Felony Offenders Vary Substantially Across the Wasatch Front Districts. The magnitude of these differences raises questions about how judges exercise discretion across the state.

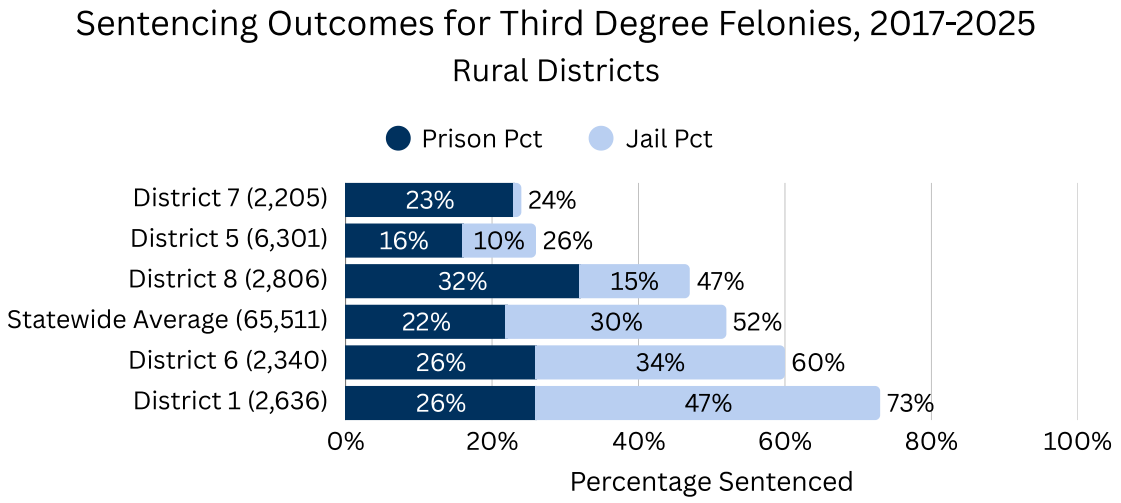


Note: All values are rounded.
Source: Auditor generated using data provided by AOC.

[24] These same differences persisted when we looked at all third-degree felony cases, as well as two specific third-degree offenses. Appendix A presents results for those offenses.

We identified similar differences in rural districts (see Figure 2.2 below). These patterns indicate that variation exists across the state in both urban and rural districts.

Figure 2.2 Substantial Differences in Incarceration Rates Also Exist Among Rural Districts. Variation is not limited to urban districts and appears throughout Utah's judicial districts.

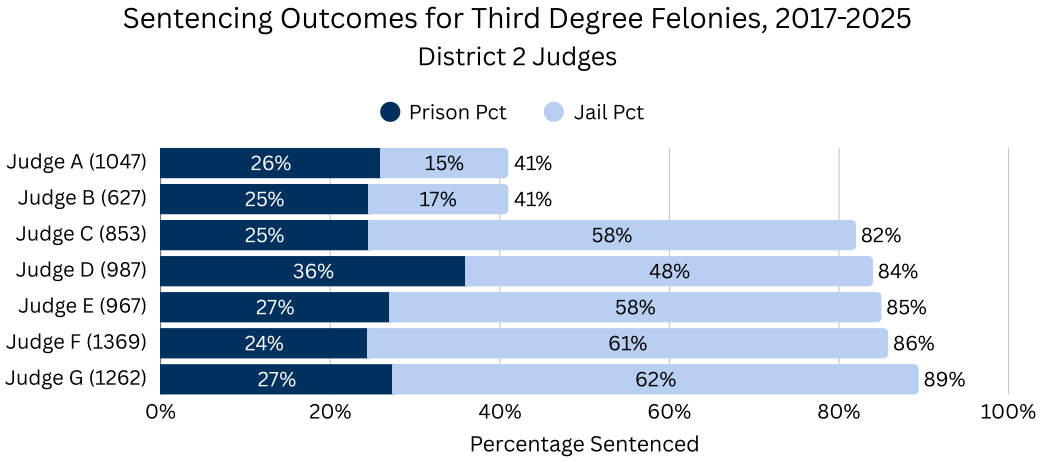


Note: All values are rounded.
Source: Auditor generated using data provided by the AOC.

Beyond district-level variation, we also found significant differences between judges within the same district (see Figure 2.3 on the following page). For example, in District 2,[25] incarceration rates for third-degree felony offenders ranged from 41% for one judge to 89% for another. This means an offender could be more than twice as likely to serve a jail or prison sentence if they were seen by Judge G rather than Judge A.

[25] We included District 2 because it is one of the three Wasatch Front districts, each of which handles a high volume of cases. We observed similar variation among judges within the same district in each Wasatch Front district. Our sample included judges with a minimum of 25 cases for both total third-degree felonies and offense-specific third-degree felonies.

Figure 2.3 Incarceration Rates Vary Substantially Among Judges Within the Same District. These differences illustrate how offenders may receive different decisions depending on the judge assigned to the case.



Note: All values are rounded.
Source: Auditor generated using data provided by the AOC.

The differences seen between both districts and individual judges indicate that sentencing decisions depend, at least in part, on where the case originates and the judge assigned to hear it.

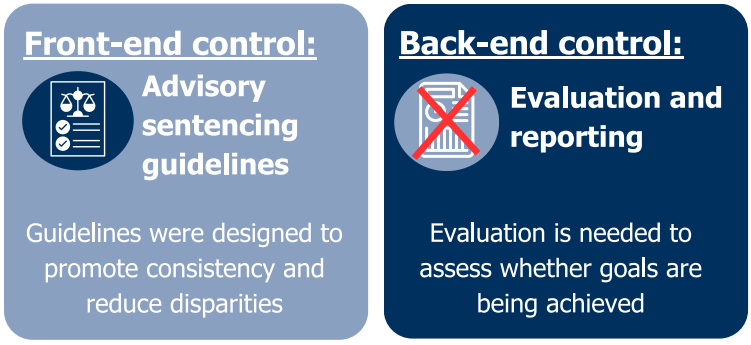
We also identified multiple case examples of individuals with similar offenses, sentencing guideline scores, and recommendations[26] who received markedly different sentences from different judges. For example, some offenders were sentenced to prison, while others received probation in cases that appear to have similar characteristics. We recognize that these examples do not necessarily indicate that the different sentences were inappropriate, as aggravating or mitigating factors may justify different decisions. However, without routinely analyzing sentencing decisions, judicial leadership lacks sufficient information to evaluate whether the differences reflect appropriate judicial discretion or broader variation in sentencing patterns within the system.

When presented with this systemwide data, judicial leadership suggested potential reasons for these sentencing discrepancies. However, they could not point to definitive reasons for it. This highlights the need for a systemwide analysis. The absence of a systemwide evaluation prevents the Judicial Council

[26] The examples referenced here were limited to cases with completed presentence investigation (PSI) reports, although PSI reports are optional and are not completed in every criminal case. During the PSI process, a sentencing guidelines worksheet generates a recommendation based on the offender's criminal history and offense severity. Meanwhile, Adult Probation and Parole (AP&P) develops a separate sentencing recommendation based on information gathered about the offender and the offense.

from determining whether differences are appropriate or whether they reflect inconsistent sentencing patterns.

Sentencing guidelines alone cannot promote consistency. They must be accompanied by evaluation and monitoring. Sentencing guidelines are the front-end control to promote consistency. However, routine evaluations of the guidelines serve as a back-end control that helps monitor use, identify potential disparities, and promote consistency and fairness (as shown in the figure to the right).



The Judiciary's Inaction to Use Sentencing Data Hinders Individual Judge Improvement and Consistency

Survey data and interviews show that most judges do not know how their sentencing practices compare to those of their peers.

The lack of a systemwide analysis of sentencing decisions not only limits broad oversight of institutional priorities but also reduces the information available to judges about their own sentencing practices. Our survey and interviews indicate that most judges do not know how their sentencing practices compare to their peers. Many judges reported working in isolation, rarely discussing sentencing decisions with other judges, and lacking information about whether they sentence offenders to incarceration more or less frequently than their peers. For example, one judge believed they were likely among the harsher sentencers in their district, yet our analysis showed they were among the most lenient judges.

If judges are unaware of how their sentencing decisions compare to their peers, there is no way to ensure they are moving toward the judiciary's goal of a fair system. The purpose of comparative data would not be to evaluate individual sentencing decisions. Instead, it would allow judges and judicial leadership to identify patterns, ask questions, and determine whether additional review or training may be beneficial.

The Appellate Process Is Insufficient for Analyzing System-Level Outcomes. The judiciary points to the appellate process as a form of oversight for sentencing decisions. While appeals play an important role, they do not provide a process for reviewing systemwide sentencing outcomes. Appeals focus on whether legal

errors occurred in a specific case, not whether sentencing practices are consistent across courts. In addition, only a small percentage of criminal cases are appealed. From 2023 through 2025, the number of criminal appeals filed was equal to 1.6% of felony cases.[27] Therefore, the appellate process cannot identify or explain statewide patterns in sentencing decisions.

The Court's Inadequate Performance Management Framework Leaves Sentencing Differences Unexamined

Organizations with strong performance management frameworks effectively plan, implement, and evaluate their actions to achieve their missions. As discussed in Chapter 1, the judiciary lacks such a framework and has not performed these functions to ensure sentencing decisions are meeting strategic priorities of fairness and consistency. The National Center for State Courts emphasizes the use of data to evaluate court operations and identify disparities in case decisions. According to NCSC, routine monitoring and evaluation of court performance generates insights, assesses fairness and equal justice, and supports continuous improvement.

The Judicial Council already distributes monthly reports to the districts on operational performance measures. Similar reports on sentencing decisions could provide judges with information while preserving judicial independence and discretion. Our office's 2020 report, *A Performance Audit of Courts Fines and Surcharges* (#2020-10), previously recommended the Judicial Council analyze and publicly report this type of data (as seen on the right).

OLAG Report #2020-10:

"We believe the Judicial Council should consider analyzing sentencing trends and providing aggregated information (for example, aggregated for all courts within a district) publicly to ensure transparency in the judicial system."

We again recommend that the council analyze this data to better inform the judiciary and identify areas for improvement. Organizations are most effective at achieving their missions when they plan, implement, and evaluate their actions.

Given the concerns identified in Chapter 1 about how the Judicial Council uses performance information, simply producing another report may not be sufficient. To be more useful, sentencing data would need to be incorporated into a broader process that allows judges and judicial leadership to review trends,

[27] This comparison is based on total criminal appeals filed and total felony cases filed during the same period. The ratio was 1 appeal for every 61 felony cases. Appeals were not matched to the specific felony cases filed in those years.

discuss results, and identify opportunities for improvement. For example, judges could receive data showing how they compare to their peers. If desired, the judiciary can anonymize the data and share it in the aggregate.

The Judicial Council remains responsible for oversight within the judiciary and ensuring it meets its priorities of a fair system. As such, we recommend it use aggregate sentencing data to monitor trends and identify disparities that move the judiciary toward a fairer and more consistent system.

RECOMMENDATION 2.1

The Judicial Council should develop and implement a formal process for routinely analyzing sentencing outcomes across judges, districts, and offense types and reviewing significant variation identified through that analysis. This process should ensure that judicial leadership understands and addresses significant variation in sentencing outcomes.

RECOMMENDATION 2.2

The Judicial Council should develop and distribute routine comparative sentencing reports for judges and judicial leadership. These reports should help judicial leadership identify training and improvement opportunities. The Judicial Council should assess the impact of these reports and trainings by monitoring sentencing outcomes to determine their impact on the organization's mission of consistency and fairness.

2.2 The Lack of Ownership of Sentencing Decision Reporting Limits Public Transparency and Insights Into Judicial Performance

As noted, Utah's sentencing guidelines are created by the Utah Sentencing Commission to promote consistency in the court system. However, there has never been a comprehensive evaluation to determine if they are meeting this objective. Consequently, it is unknown whether the guidelines are promoting consistency as intended, and policymakers and the public have limited visibility into how the guidelines are used in practice.[28] Because no entity is currently responsible for collecting, linking, and analyzing all of the information needed for this evaluation, Utah lacks both transparency and accountability over one of its primary sentencing tools. Recognizing the need for centralized criminal justice data analysis and reporting, the Legislature created the Department of Criminal Justice (DOCJ), effective July 2026.[29] As such, the Legislature could choose to assign DOCJ responsibility for incorporating, analyzing, and publicly reporting this information to improve transparency and promote fair outcomes for citizens of the state.

Utah Needs to Strengthen Its Transparency of Sentencing Guideline Use and Sentencing Decisions

Sentencing guidelines are meant to promote consistency and reduce disparities. Judges have individual discretion and can deviate from guidelines based on the individual circumstances of a case. We recognize the importance of judicial discretion, but it should be exercised in an informed manner that promotes equitable and consistent decisions. Because the guidelines are optional,

[28] We were unable to evaluate guideline use or related outcomes because the necessary data are not collected and linked across agencies in a way that supports systemwide analysis.

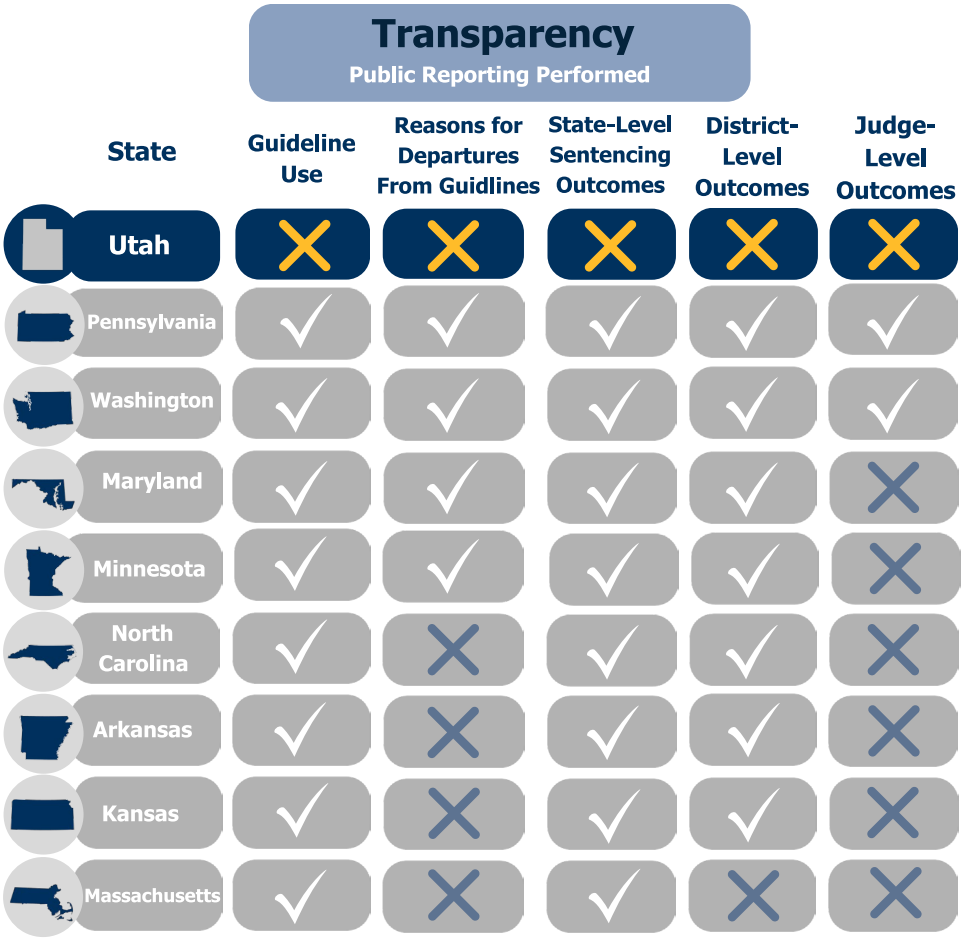
[29] The Legislature created the Department of Criminal Justice (DOCJ) and assigned the department responsibility for statewide criminal justice research, evaluation, data collection, and reporting. The Legislature also placed the Commission on Criminal and Juvenile Justice and the Sentencing Commission under DOCJ.

evaluating their use is critical to determine if their purpose is being met. Judges are not required to consider the guidelines, follow the recommended sentencing range, provide reasons for departures, or adopt the Adult Probation and Parole (AP&P)'s sentencing recommendations from a presentence investigation report. This makes evaluation even more important for identifying variation in the system. Best practices support analyzing guideline use to promote transparency and making aggregate sentencing data available to policymakers, stakeholders, and the public. This provides visibility into how sentencing policies are implemented in practice.

Best practices support analyzing guideline use to promote transparency and making aggregate sentencing data available to policymakers, stakeholders, and the public.

As mentioned, a performance management framework can help organizations effectively plan, implement, and evaluate actions taken to meet organizational goals. This can be applied to sentencing analysis, as best practices support guideline evaluation and sentencing decision reporting. The American Bar Association states that sentencing bodies should collect, evaluate, and share information about sentencing outcomes. Likewise, the United States Sentencing Commission analyzes guideline use and publicly reports the results.

In contrast, no Utah agency is currently required to collect and report this information. We identified eight states that publicly report sentencing guideline data. The level of detail varies, but these states report whether guidelines were followed, the reasons for departures, and the resulting sentencing decisions. The following is a comparison of Utah's practices with these eight states:



Source: Auditor generated based on annual sentencing reports from the various states.

In each of the eight states that report guideline use and sentencing decisions, a policy-oriented agency provides objective reporting and improves transparency. Law requires these entities to collect criminal justice data and produce reports on sentencing decisions. The information is made available through annual reports published on agency websites or through public data dashboards. This reporting allows decision makers to evaluate whether sentencing policies are producing acceptable outcomes and guides discussions about consistency, fairness, and criminal justice policy.

The Department of Criminal Justice Is Well Positioned to Improve Transparency Through Sentencing Data Analysis and Reporting

DOCJ has authority to collect the data needed for this work. However, the information needed to evaluate guideline adherence, departures, and sentencing decisions is currently spread across multiple entities and is not maintained in a combined dataset. Because no entity is currently responsible for linking and

analyzing these data, assigning that responsibility to DOCJ could improve transparency and support more informed policy decisions. The effectiveness of such analysis would depend on the Judicial Council ensuring that the necessary data are collected and shared.[30]

No entity is currently responsible for linking, analyzing, and reporting sentencing guidelines and outcome data.

The Legislature could choose to require DOCJ to perform this sentencing outcome analysis and report it publicly. Such a requirement could clarify responsibility for collecting and publicly reporting data on guideline use, reasons for departures, and sentencing decisions. If the Legislature chooses, it could specify the reporting level (statewide, district-level, or judge-level) and format (annual report or data dashboard).

Because the judiciary lacks a performance framework, it has failed to routinely analyze and report sentencing disparities. Reporting by DOCJ would serve as a transparency and policy tool. This would not replace the Judicial Council's responsibility to oversee sentencing. Instead, it would provide stakeholders with information about how sentencing guidelines are used and whether they appear to influence sentencing decisions. Such reporting would complement, not replace, the oversight responsibility of the Judicial Council.

RECOMMENDATION 2.3

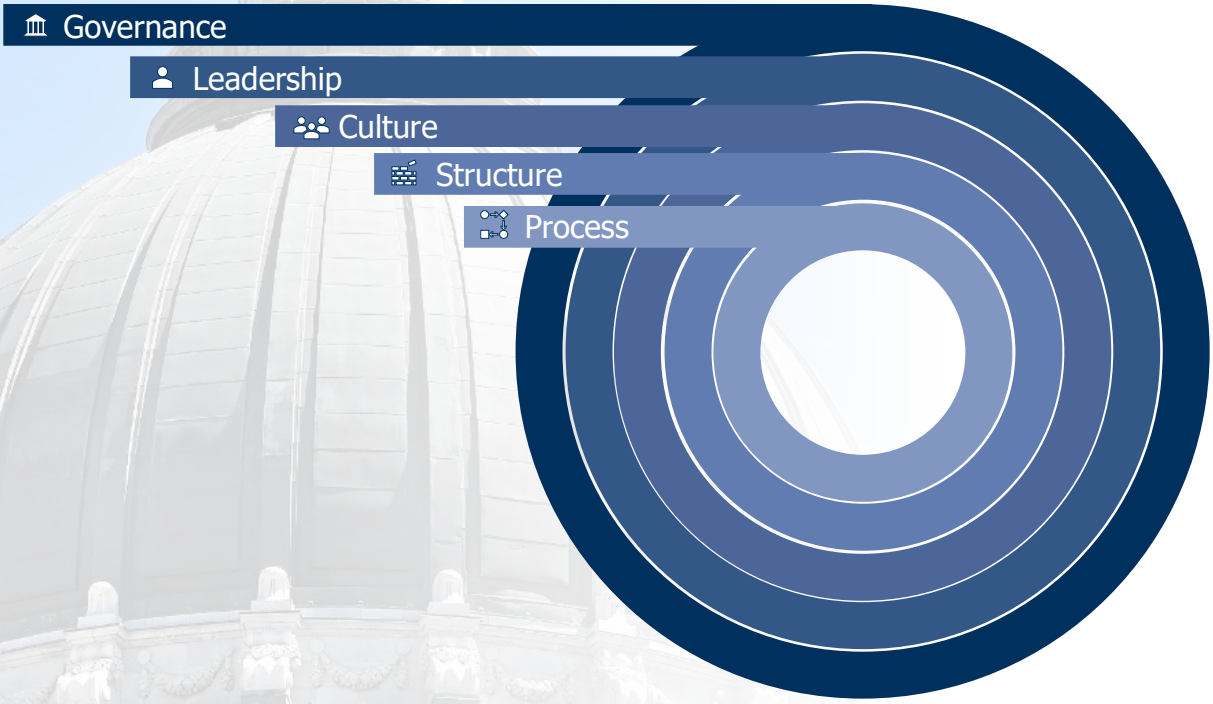
The Legislature should consider requiring the Department of Criminal Justice to publicly report guideline use, reasons for departures, and sentencing decisions. This reporting will create transparency, provide information about statewide sentencing patterns, and potentially improve criminal justice outcomes for Utah citizens.

[30] The DOCJ, the judiciary, and the Legislature could work together to determine the most effective implementation approach, as this may require statutory changes.

Complete List of Audit Recommendations

THE FIVE LAYERS OF CAUSE

We developed the Five Layers of Cause Framework to assist leaders in identifying the causes of organizational success and failure. To truly improve as an organization, leaders must understand the causes of major risks. Only when leaders understand these causes and their roots can they make meaningful improvements. Root causes are deeper and more fundamental.



The five layers of cause are defined below. They are ranked from most impactful in organizational change to least. The next page identifies the layer of cause in each recommendation.

GOVERNANCE

The laws and rules that establish the organization's mission, accountability, and funding. Governance empowers the organization with the leadership and resources needed to achieve meaningful results.

LEADERSHIP

The competency and character of the leaders of the organization. Leadership is the decisive force that transforms vision into action and effort into results.

CULTURE

The collective beliefs, values, and behaviors of the organization. An organization's culture can determine employee engagement and morale, willingness to innovate, and quality of product.

STRUCTURE

The policies and standards that guide an organization's work. Structures direct the flow of work and establish what is and is not acceptable.

PROCESS

The steps taken to accomplish a task. Processes are the logistics—the capital, workflows, timing, and practices—that move work along.

Complete List of Audit Recommendations

This report made the following eight recommendations. The numbering convention assigned to each recommendation consists of its chapter followed by a period and recommendation number within that chapter.

Recommendation 1.1 (Governance)

The Judicial Council should create, adopt, and continually monitor a formal governance accountability framework. The framework should connect judicial activities to measurable objectives and clearly define how judges contribute to and are accountable for advancing the judiciary's strategic plan and mission. Success would be demonstrated through established performance measures, regular monitoring of results, documented accountability discussions, and evidence that judicial activities are contributing to strategic objectives. Doing so will help the judiciary improve its goal of achieving a fair and effective justice system.

Recommendation 1.2 (Governance)

The Judicial Council should expand the role of the presiding judge to include performance management of judges within their district. This can assist the judiciary by establishing local accountability within individual districts.

Recommendation 1.3 (Structure)

The Judicial Council should work with the internal audit director to ensure internal audits support the judiciary's strategic objectives. This should include developing an audit plan that focuses on core functions and governance. Audit areas should be directly tied to strategic goals and objectives. Success will be demonstrated through audit plans aligned with the strategic plan and audits that identify risks to strategic objectives and provide recommendations to address those risks.

Recommendation 1.4 (Structure)

Using the governance framework established in Recommendation 1.1, the Judicial Council should develop additional data metrics to measure organizational performance. It can direct its data and research team to analyze the data and inform leaders on statewide performance. If successfully implemented, this data will provide the Judicial Council with helpful information to improve organizational effectiveness and efficiency, identify and address performance issues, and track and improve selected measures related to fairness and efficiency.

Recommendation 1.5 (Structure)

The Judicial Council should create and implement training standards for judges that help improve the performance of judges. This should include onboarding, periodic training, and individualized training requirements. The council should monitor and report on whether training deficiencies are being corrected using performance metrics. Success will be demonstrated with performance data to guide training and development efforts, improved training plans and requirements, and evidence that identified training gaps are being addressed.

Recommendation 2.1 (Process)

The Judicial Council should develop and implement a formal process for routinely analyzing sentencing outcomes across judges, districts, and offense types and reviewing significant variation identified through that analysis. This process should ensure that judicial leadership understands and addresses significant variation in sentencing outcomes.

Recommendation 2.2 (Process)

The Judicial Council should develop and distribute routine comparative sentencing reports for judges and judicial leadership. These reports should help judicial leadership identify training and improvement opportunities. The Judicial Council should assess the impact of these reports and trainings by monitoring sentencing outcomes to determine their impact on the organization's mission of consistency and fairness.

Recommendation 2.3 (Governance)

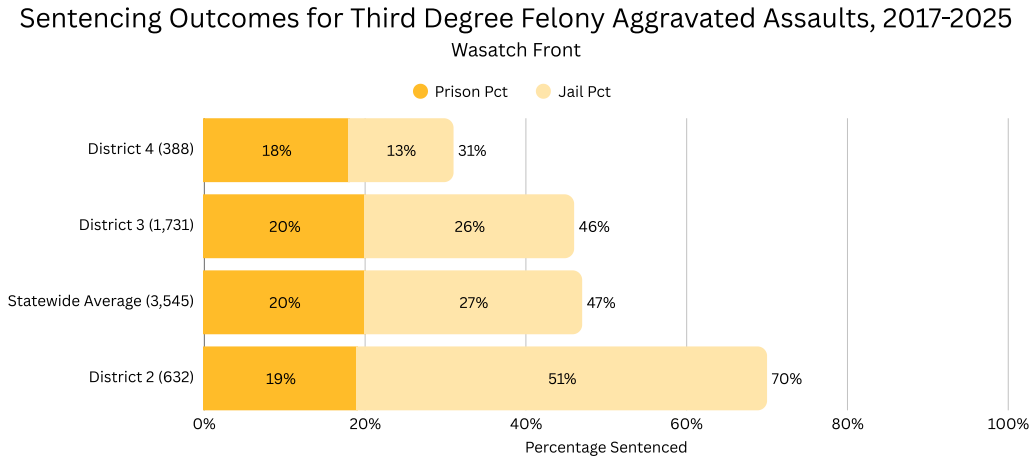
The Legislature should consider requiring the Department of Criminal Justice to publicly report guideline use, reasons for departures, and sentencing decisions. This reporting will create transparency, provide information about statewide sentencing patterns, and potentially improve criminal justice outcomes for Utah citizens.

Appendix

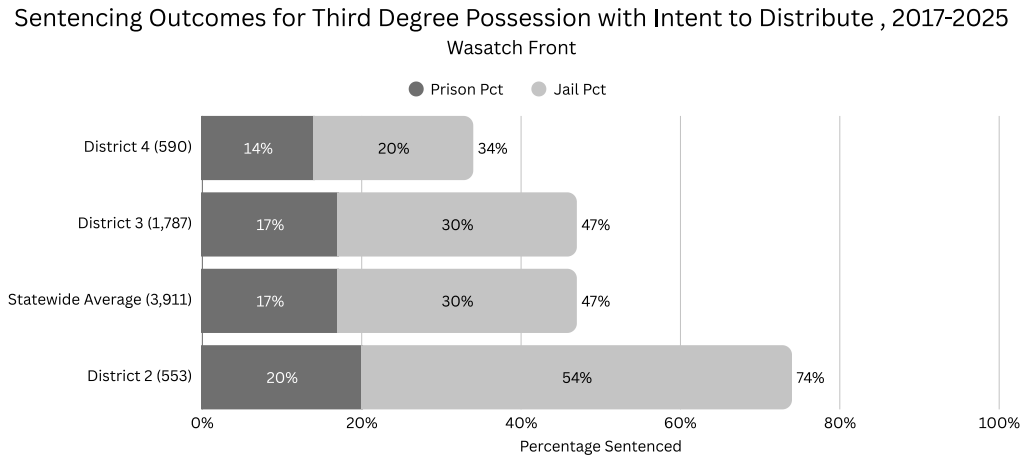
A. Offense-Specific Graphs

As mentioned in Chapter 2, we found differences in sentencing practices across the state. Some districts sentenced offenders to prison or jail at more than twice the rate of other districts. We also found significant differences among judges within the same district in how often offenders were sentenced to jail. These same differences persisted when we looked at all third-degree felony cases (shown in Figures 2.1, 2.2, and 2.3 in Chapter 2), as well as two specific third-degree felony offenses.

We conducted an analysis for two specific offenses—aggravated assault and possession with intent to distribute. The outcomes are presented below by district (Wasatch Front vs. rural districts). These offenses are also aggregated and presented for District 2 judges.



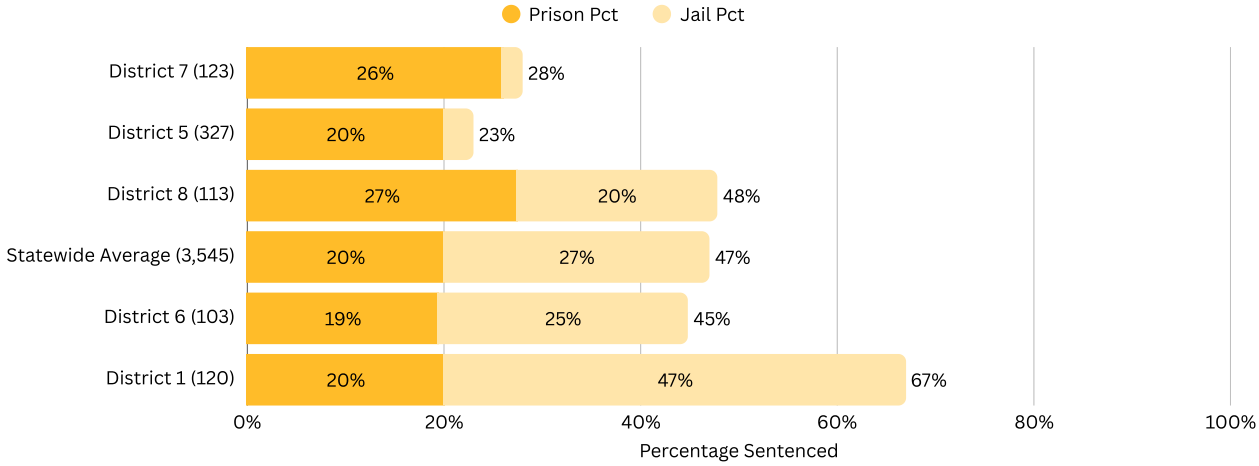
Note: All values are rounded.
Source: Auditor generated using data provided by the Administrative Office of the Courts (AOC).



Note: All values are rounded.
Source: Auditor generated using data provided by the AOC.

Sentencing Outcomes for Third Degree Felony Aggravated Assaults, 2017-2025

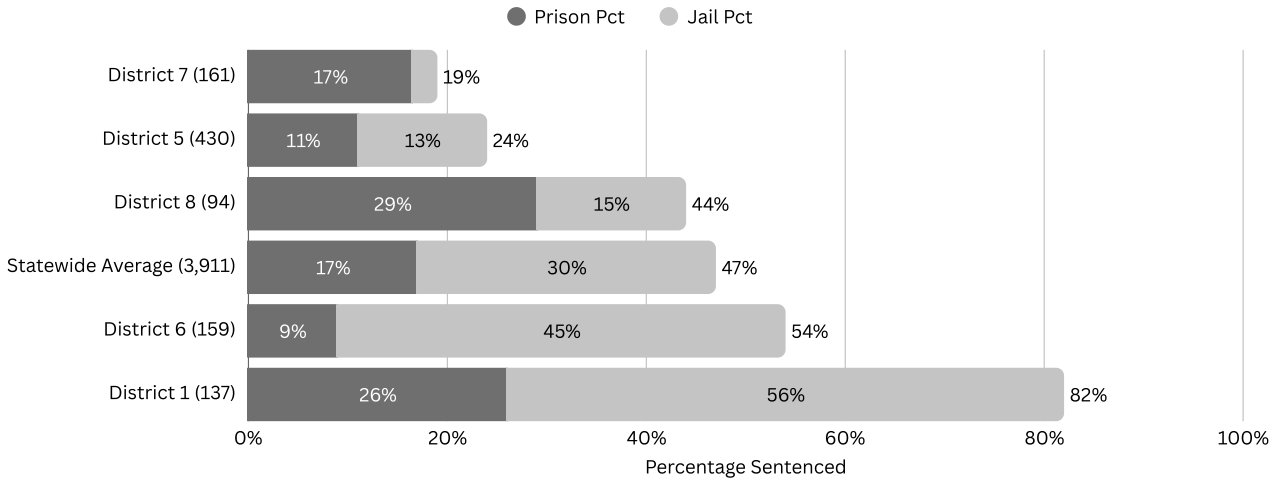
Rural Districts



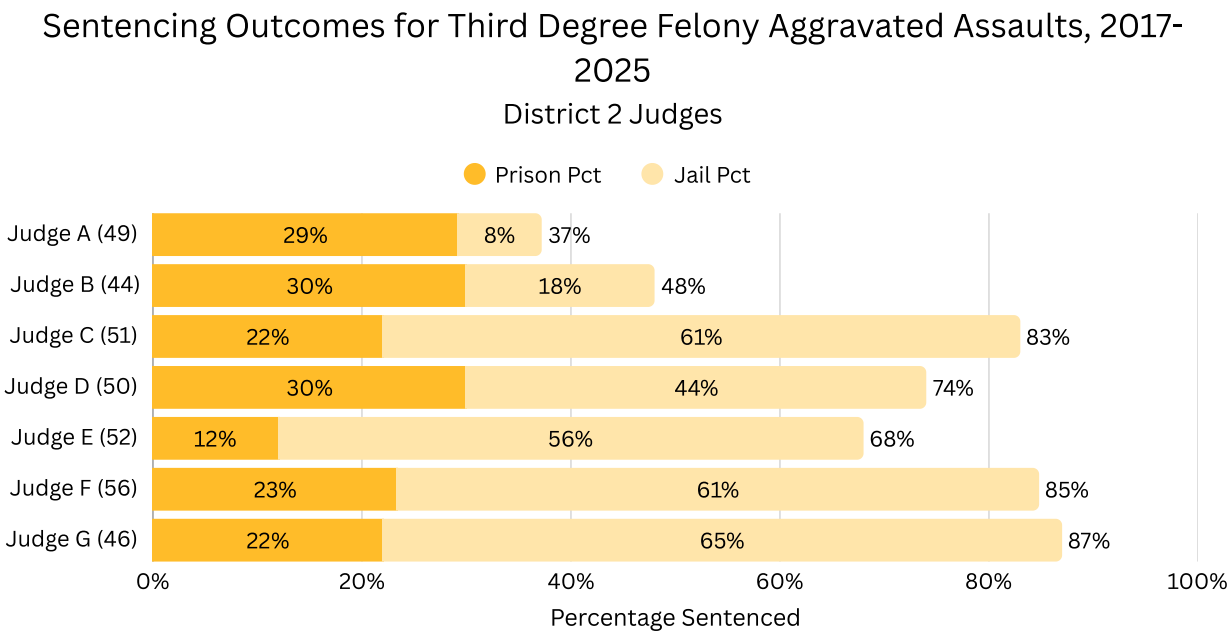
Note: All values are rounded.
Source: Auditor generated using data provided by the AOC.

Sentencing Outcomes for Third Degree Possession with Intent to Distribute , 2017-2025

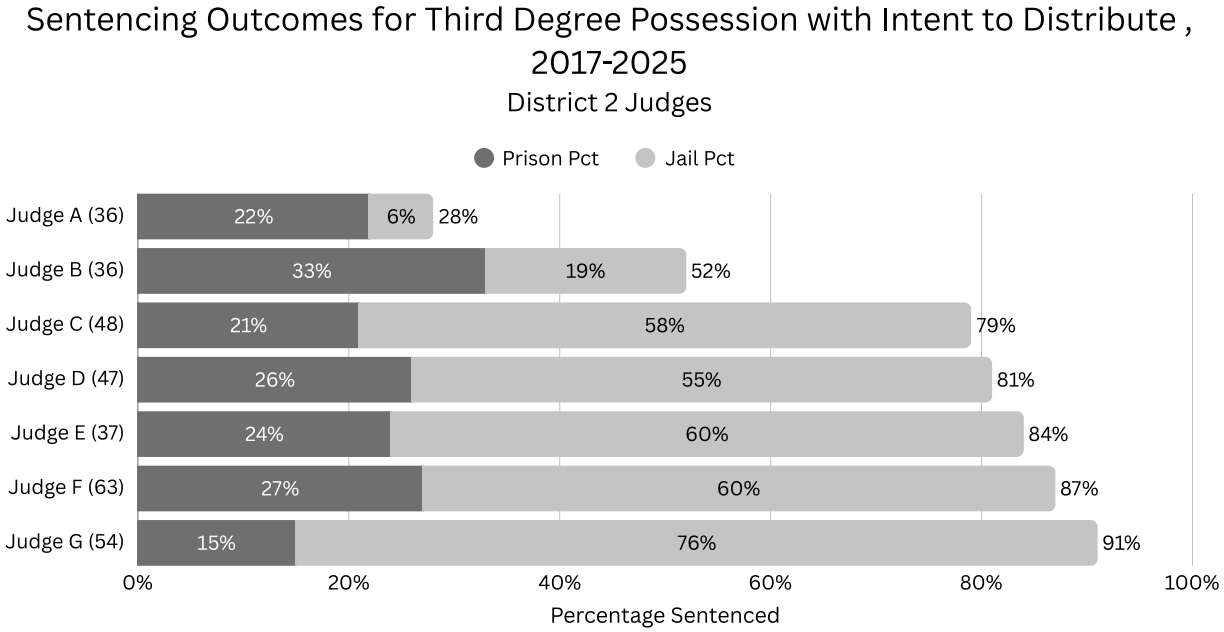
Rural Districts



Note: All values are rounded.
Source: Auditor generated using data provided by the AOC.



Note: All values are rounded.
Source: Auditor generated using data provided by the AOC.



Note: All values are rounded.
Source: Auditor generated using data provided by the AOC.

Judiciary Response Plan

Administrative Office of the Courts

Associate Chief Justice Jill M. Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

September 21, 2026

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

Kade R. Minchey, CIA, CFE, Auditor General
Office of the Legislative Auditor General
Utah State Capitol Complex
Rebecca Lockhard House Building, Suite W315
PO Box 145315
Salt Lake City, UT 84114-5315

Dear Mr. Minchey,

Thank you for the opportunity to review and respond to the audit of the Utah Judiciary. We appreciate the professionalism and collaborative engagement of the Office of the Legislative Auditor General throughout the audit process.

The Management Committee of the Judicial Council and the Administrative Office of the Courts have carefully reviewed the findings and recommendations. We agree that there are opportunities to strengthen the Judiciary's governance processes, use of data and performance measures, judicial education, and organizational accountability. Our responses to the recommendations identify the work already underway, and the steps we intend to take moving forward. We believe administration and organizational accountability can be strengthened while we continue to respect the organizational structure of the judicial branch and preserve the independence of judges in deciding individual cases based on the law and facts presented.

We appreciate the constructive working relationship with the OLAG team and the Legislature's continued partnership as we work to strengthen the Judiciary's operations and service to the people of Utah. We also welcome opportunities for legislators and legislative staff to engage directly with the Judiciary, visit our courts, and learn more about our operations, challenges, and ongoing efforts to improve the administration of justice.

Sincerely,

Jill M. Pohlman
Associate Chief Justice, Utah Supreme Court
Chair, Utah Judicial Council

Improving Judicial Accountability and Efficiency by Strengthening Governance and Leadership

Recommendation 1.1 (Governance)
The Judicial Council should create, adopt, and continually monitor a formal governance accountability framework. The framework should connect judicial activities to measurable objectives and clearly define how judges contribute to and are accountable for advancing the judiciary's strategic plan and mission. Success would be demonstrated through established performance measures, regular monitoring of results, documented accountability discussions, and evidence that judicial activities are contributing to strategic objectives. Doing so will help the judiciary improve its goal of achieving a fair and effective justice system.

Response: The Judicial Council agrees that a strong governance accountability framework will help the Judiciary accomplish its goals and fulfill its mission.

What: The Judicial Council will implement changes that strengthen its ability to implement its strategic plan and to measure progress.

How: The Judicial Council will clarify how all judicial officers and employees in the Judiciary can assist with implementation of the strategic plan. The Judicial Council will review and update performance measures and will regularly review how the Judiciary is performing on those measures. While the strategic plan intentionally has a narrow focus, the Judicial Council will consider expanding the scope of the strategic plan and will decide how to hold itself accountable for implementation.

When: Implemented by September 30, 2027

Who: Ron Gordon, State Court Administrator, ronbg@utcourts.gov

Recommendation 1.2 (Governance)
The Judicial Council should expand the role of the presiding judge to include performance management of judges within their district. This can assist the judiciary by establishing local accountability within individual districts.

Response: The Judicial Council agrees that reviewing and clarifying the role of presiding judges will be helpful to the Judiciary.

What: The Judicial Council will consider how it and presiding judges can assist judges in performing their duties at the highest level while respecting their ability to exercise necessary judicial discretion.

How: The Judicial Council will review how it can best help judges perform their duties at the highest level. The Judicial Council will:

- consider the role of presiding judges regarding judicial performance and which aspects of judicial performance should be included;

- conduct a legal review of the role of presiding judges and determine what changes are necessary — the review of legal decisions by judges is a role of the appellate courts and would not be appropriate for presiding judges;
- identify the proper scope of presiding judges' review of aggregate data related to judicial decision making. Presiding judges will not direct judges toward particular decisions; those decisions remain with the individual judge based on the facts and circumstances of each case and applicable law; and
- involve all boards of judges, the Judicial Performance Evaluation Commission, and the Judicial Conduct Commission in this process to align these efforts with the legal obligations of these entities.

When: Implemented by September 30, 2027

Who: Ron Gordon, State Court Administrator, ronbg@utcourts.gov

Recommendation 1.3 (Structure)
The Judicial Council should work with the internal audit director to ensure internal audits support the judiciary's strategic objectives. This should include developing an audit plan that focuses on core functions and governance. Audit areas should be directly tied to strategic goals and objectives. Success will be demonstrated through audit plans aligned with the strategic plan and audits that identify risks to strategic objectives and provide recommendations to address those risks.

Response: The Judicial Council agrees that the Internal Audit Department could expand their work related to governance.

What: The Judicial Council's Management Committee serves as the audit committee for the Utah Judiciary. The Management Committee will continue to work with the internal audit director to ensure internal audits support the Judiciary's strategic objectives and focus on core functions including governance.

How: The Internal Audit Department began conducting annual Internal Control Self-Assessments of all the AOC departments in 2025 — including a section on governance — and will continue to include governance related objectives in those annual assessments. In addition, the Audit Department will consider governance related areas and objectives as part of selected audits. Governance will need to be balanced with necessary financial, compliance, and internal-control audits. Given the limited resources of the department, we cannot significantly expand the audit scope with the existing staff without giving up critical work in other areas. We will need to review staffing, and seek additional legislative funding if the Legislature expects a broader internal audit program.

When: Implemented by September 30, 2027 depending on resources

Who: Wayne Kidd, Internal Audit Director, WayneK@utcourts.gov

Recommendation 1.4 (Structure)
Using the governance framework established in Recommendation 1.1, the Judicial Council should develop additional data metrics to measure organizational performance. It can direct the data and research team to analyze the data and inform leaders on statewide performance. If successfully implemented, this data will provide the Judicial Council with helpful information to improve organizational effectiveness and efficiency, identify and address performance issues, and track and improve selected measures related to fairness and efficiency.

Response: The Judicial Council agrees that additional performance measures will help the Judiciary fulfill its mission.

What: The Judicial Council is currently conducting a thorough review of all existing performance measures to determine which should be preserved, modified, or removed and to evaluate what gaps currently exist in performance measures.

How: The first phase of this review involves working with departments and administrators in the Administrative Office of the Courts to analyze what data is available and what measures will help the judiciary understand how it is performing. The next phase will involve seeking feedback from all court levels and judicial districts. After making final decisions about changes to performance measures the Judicial Council will implement a process to regularly review that data. Finally, the Judicial Council will create public dashboards with performance data. This may require additional resources.

When: Phases one and two will be implemented by September 30, 2027. Programming work for dashboards may take longer.

Who: Ron Gordon, State Court Administrator, ronbg@utcourts.gov

Recommendation 1.5 (Structure)
The Judicial Council should create and implement training standards for judges that help improve the performance of judges. This should include onboarding, periodic training, and individualized training requirements. The council should monitor and report on whether training deficiencies are being corrected using performance metrics. Success will be demonstrated with performance data to guide training and development efforts, improved training plans and requirements, and evidence that identified training gaps are being addressed.

Response: The Judicial Council agrees that enhanced onboarding and continuing education will help judges perform their duties.

What: The Judiciary has a robust judicial education program. New judges participate in orientation, district and juvenile court judges are assigned mentors, and all judicial officers are required to complete 30 hours of annual education. Ongoing education is provided through the annual Judicial Conference, spring court-level conferences and training, and courses available through the Judiciary's learning management system. While these requirements and programs provide a strong foundation, the Judiciary agrees that new judges would benefit from more

extensive preparation before assuming a full caseload, as well as continued training during their first year on the bench.

The Judiciary will conduct a comprehensive evaluation of judicial onboarding and training and identify opportunities to strengthen the existing program, including incorporating performance measure data into training opportunities.

How: The Council will work with the Judicial Branch Education Committee, boards of judges, presiding judges, and judicial education staff to conduct the evaluation and develop recommended improvements. The Council will also determine its role in working with individual judges to develop individualized training plans following Judicial Performance Evaluation Commission reports that identify areas for improvement, including how that work should be coordinated with existing judicial education, mentoring, and leadership structures.

A significant challenge to strengthening new judge onboarding is that new judges generally begin after the prior judge has left office and must immediately assume an existing caseload. Meaningful crossover time would allow a new judge to shadow an experienced judge, receive practical and assignment-specific training, become familiar with the assignment, and transition into the caseload more gradually. The Judiciary will evaluate the appropriate length and structure of a crossover period, including whether senior judge coverage could provide additional training time, and identify the funding and any statutory or administrative changes necessary to implement it. If additional resources are needed, the Judiciary will work with the Legislature to seek funding to support this recommendation.

When: Evaluation of onboarding, mentoring, individualized training, and related education requirements implemented by September 30, 2027. Implementation of some identified improvements may depend on additional resources.

Who: Ron Gordon, State Court Administrator, ronbg@utcourts.gov

Recommendation 2.1 (Process)
The Judicial Council should develop and implement a formal process for routinely analyzing sentencing outcomes across judges, districts, and offense types and reviewing significant variation identified through that analysis. This process should ensure that judicial leadership understands and addresses significant variation in sentencing outcomes.

Response: The Judicial Council agrees that the Judiciary should conduct regular analysis of sentencing data to better understand patterns and variation across judges, districts, and offense types.

What: The Judiciary will develop a formal process for reviewing sentencing data at regular intervals and identify patterns or variation that may warrant further examination.

How: The analysis conducted as part of the audit provides a useful starting point, but differences in sentencing decisions alone do not establish that similarly situated defendants are being treated differently. Sentencing decisions are highly individualized and may be influenced by factors

such as criminal history, plea agreements, recommendations from the parties, offense-specific circumstances, presentence investigation information, victim input, prior probation performance, and the availability of treatment or other programs. The analysis may identify training needs, data quality concerns, broader system issues, and information for judicial leadership or other justice system partners.

The review will not establish sentencing targets, direct judges toward particular sentencing decisions, or involve the Judicial Council in deciding how individual defendants should be sentenced. Those decisions remain with the judge based on the facts and circumstances of each case and applicable law.

The Council will work with the Department of Criminal Justice, the Utah Sentencing Commission, Adult Probation and Parole, prosecutors, defense attorneys, the Legislature, and other justice system partners in conducting this analysis.

Additional analytical capacity is necessary to support this work. The Judiciary will work with the Legislature to seek the necessary funding.

When: The review process developed by September 30, 2027.

Who: Tucker Samuelsen, Director of Judicial Data and Research, tuckers@utcourts.gov

Recommendation 2.2 (Process)
The Judicial Council should develop and distribute routine comparative sentencing reports for judges and judicial leadership. These reports should help judicial leadership identify training and improvement opportunities. The Judicial Council should assess the impact of these reports and trainings by monitoring sentencing outcomes to determine their impact on the organization's mission of consistency and fairness.

Response: The Judicial Council agrees that the Judiciary should develop and distribute comparative sentencing reports for judges and judicial leadership.

What: The reports will be designed to help judges understand how their sentencing decisions compare with those of their peers and to help judicial leadership identify areas that may warrant further review.

How: The Judiciary will develop guidance to help judges and judicial leadership interpret the reports. Systemic policy questions will be considered in coordination with the Legislature, and other justice system partners, consistent with the process described in Recommendation 2.1.

When: Because this depends on the processes addressing Recommendation 2.1, sentencing reports are anticipated to be developed and distributed by December 31, 2027.

Who: Tucker Samuelsen, Director of Judicial Data and Research, tuckers@utcourts.gov

Recommendation 2.3 (Governance)
The Legislature should consider requiring the Department of Criminal Justice to publicly report guideline use, reasons for departures, and sentencing decisions. This reporting will create transparency, provide information about statewide sentencing patterns, and potentially improve criminal justice outcomes for Utah citizens.

Response: The Judicial Council supports this recommendation. The Judiciary will work with the Department of Criminal Justice and other justice system partners on any reporting requirements adopted by the Legislature.

Judicial Independence and Accountability

Recommendation 1.1 (Governance)
We recommend the Legislature consider reviewing statute to determine whether Judicial Council membership should include representation or membership from the executive and legislative branches. This could help promote broader accountability in judicial governance.

Response: The Judicial Council acknowledges and respects the authority of the Legislature to supplement the constitutional membership requirements. The Judicial Council believes that representation or membership from the executive or legislative branches may violate principles of separation of powers and may undermine the ability of the Judiciary to accomplish its work free of political influence.

DOCJ Response Plan

Department of Criminal Justice

Tom Ross, Commissioner
Phone: 801-538-1031
www.justice.utah.gov

Utah State Capitol Complex
Senate Building, Suite 330
Salt Lake City, Utah 84114

September 15, 2026

Kade R. Minchey, CIA, CFE
Auditor General
Office of the Legislative Auditor General

RE: Response to Performance Audit of Utah State Courts: Improving Judicial Accountability and Efficiency by Strengthening Governance and Leadership [Report #2026-21], Chapter 2

Dear Auditor General Minchey:

Thank you for the opportunity to respond to the findings and recommendations contained in the **Performance Audit of Utah State Courts: Improving Judicial Accountability and Efficiency by Strengthening Governance and Leadership [Report #2026-21], Chapter 2.** We appreciate the work of the audit team and its review of state sentencing processes, the Utah sentencing guidelines, and how the Department of Criminal Justice might aid efforts to improve transparency and consistency in sentencing statewide. We have carefully reviewed the report and provide the following responses:

Audit Recommendation 2.3: *The Legislature should consider requiring the Department of Criminal Justice to publicly report guideline use, reasons for departures, and sentencing outcomes. This reporting will create transparency, provide information about statewide sentencing patterns, and improve criminal justice outcomes for Utah citizens.*

Management Response:

The Department substantially agrees with the recommendation and will work to implement it.

The Department is well-positioned to collect, analyze, and provide aggregate reports on statewide sentencing data. The Department is currently responsible for collecting and reporting aggregate data on over 33 statewide criminal justice metrics, including some related to sentencing outcomes like recidivism rates and DUI data. *See* Utah Code 75E-2-210. The Department collects much of this data from courts through robust MOU's, which has been a successful collaborative effort. The Department also houses and staffs the Utah Sentencing Commission, which maintains and updates the sentencing guidelines that would provide the main metric for such evaluation. *See* Utah Code 75E-4-203.

The sentencing commission has periodically sought and received court data on sentencing outcomes to better inform its guideline processes, but there is currently no data stream to clearly show, on a case by case basis, whether the guidelines were scored, the guideline recommendation, whether the court departed from the guideline recommendation, and any reason for the departure. Such data would provide valuable insight for the commission as it works to revise its guideline recommendations annually.

The Department wishes to emphasize that implementing this recommendation will require additional resources. First, the relevant data related to guideline adherence would need to be regularly collected and sent to the Department for analysis. This may require new data collection efforts at the court or corrections level. Also, the Department would likely require additional staff support to properly analyze the data and incorporate it into its annual guideline review. This would add to a list of many important responsibilities carried out by the Sentencing Commission, which is currently funded for only one full-time staff member.

Finally, while the Department agrees with the recommendation to collect, analyze, and share aggregate guideline adherence data to increase consistency and transparency, the Sentencing Commission's responsibilities should remain focused on statewide policy implementation and not evaluating performance of individual judges. To the extent such data may be helpful in assessing individual judicial performance, that responsibility should lie with another entity.

We appreciate the audit team's review and the opportunity to improve our processes. The Department is committed to implementing the recommendations described above, at the direction of the legislature, and to continuing to strengthen justice in Utah.

Process:

Should the legislature follow through with requiring the Department to collect and analyze guideline adherence data, implementation will be overseen by DOCJ Commissioner Tom Ross and Executive Director Dan Strong. Documentation will include an aggregate report on the sentencing data collected, with analysis of the available guideline adherence metrics. It would take roughly one year from the first data set arriving to collect a full annual data set. The first aggregate report could be produced within six months of collecting an annual data set. Any sentencing guideline changes suggested by the data could be made within a year of collecting an annual data set.

Sincerely,

Tom Ross
Commissioner
Department of Criminal Justice

Dan Strong
Executive Director, Criminal Justice
Director, Utah Sentencing Commission
Department of Criminal Justice

THE MISSION OF THE LEGISLATIVE AUDITOR GENERAL IS TO

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