

# In first for Utah Utah, a police chief is tapped to lead state office on criminal justice

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SALT LAKE CITY — Utah Gov. Spencer Cox has selected a police chief to oversee criminal justice initiatives, a first in the nearly 40-year history of the Commission on Criminal and Juvenile Justice.

The appointment of Tom Ross, the former Bountiful police chief of 14 years, comes amid calls for police reform in Utah — part of a national reckoning on racial justice — and shortcomings of recent criminal justice reform that have frustrated law enforcers.

Ross, a past president of the Utah Chiefs of Police Association, has played a role in shaping new state laws that help people in crisis get mental health treatment more quickly, plus other policies to address drug addiction and domestic violence in the Beehive State.

The law enforcer of 34 years is widely regarded as diplomatic, thoughtful and a willing listener, but some advocates say picking a law enforcement official for the job at such a moment in history sends a troubling message.

“It is tone deaf to replace a woman of color with a white police officer for this role,” said Lex Scott, founder of Black Lives Matter Utah and a member of a state coalition exploring police reform.

Ross replaces Kim Cordova, a criminal defense attorney and former prosecutor of Hispanic and Korean heritage who took over as executive director in 2017. Cordova received high marks in a report from Cox’s transition team, but the review noted that some critics in law enforcement viewed the commission as too focused on criminal defense.

Cordova declined to comment.

The report notes the commission was almost exclusively made up of law enforcers in the past but diversified over time to include those with experience in criminal defense, substance abuse and mental health.

Scott said she believes Cox made a mistake in not selecting a law enforcer of color, or someone who has been affected by unjust policing and fought for changes to the system.

“If he wants to continue the work and hear our voices, then I am happy to reach across the aisle and continue to work with him,” Scott said of Ross. “But I think that we do need women, and especially women of color, in these positions.”

Marina Lowe, policy council with the ACLU of Utah, said she views Ross as a “bridge builder” focused on compromise.

Still, she said, “I do think it’s worth posing the question about what this means, if it means something, in terms of a shift in justice issues by the administration. I think it’s an interesting time to decide to pick a

law enforcement agent as the head of this organization, with some of the conversations that are happening across the country.”

The governor’s office indicated the move doesn’t signal resistance to police reform on the part of Cox, a Republican.

“Gov. Cox supports the need for ongoing criminal justice reform and believes Chief Ross brings the right mix of criminal justice policy and legislative experience that will further the goals of CCJJ,” governor’s spokeswoman Jennifer Napier-Pearce said in a statement.

Ross said those concerns were top of mind when he got a call from the governor’s office offering him the appointment.

“The very first thing in my mind was thinking that there are going to be a lot of people that just by the nature of the position I’m coming from, they’re going to feel this is a terrible choice,” he said in an interview. “That was what I was probably worried about the most, was that perception.”

Ross said he believes those who have dealt with him know him as someone who’s interested in including all sorts of viewpoints, not just those of the majority. He said he’s made an effort throughout his career to maintain public safety and still treat those under criminal investigation with respect.

“Certainly, coming from law enforcement, I have a great deal of respect and love for the profession and all those who serve. But I realized a long time ago that law enforcement should not not be setting the path for what criminal justice should be,” he said. “That should be decided by people above us and community communities as a whole.”

If he is confirmed by the Utah Senate, Ross also becomes the first non-attorney to lead the office that plays a significant but mainly behind-the-scenes role in shaping laws tied to police, prison and the courts.

“I know where my fortes are and where I need to step back and let others be experts,” Ross told the Deseret News. “I think it’s about balance.”

The commission of 26 members is separate from the judicial branch. It advises lawmakers, the governor and cities and counties on bills and criminal justice issues, in addition to conducting research and overseeing federal grants. Its leader has long been one of a handful of voices Utah’s governors have consulted in nominating judges.

Scott’s group and others have called for changes to qualified immunity, which grants police in Utah and around the nation broad protection from lawsuits.

While Ross believes it’s important to keep looking for ways to improve transparency and accountability, he said those efforts need to be carried out in a way that won’t discourage Utahns from becoming police officers.

“If we lose people willing to do this job because of that one issue (qualified immunity), then maybe we’re going down the wrong path, or more appropriately, what I would say is maybe we need to have more dialogue first before we go and change something like that,” he said.

While he doesn’t know what the potential changes in Utah may look like, he said, “I know this: We’ve got to have good men and women doing the job while we figure this out.”

Ross said the governor hasn't given him any assignments but told Ross he's counting on him to put the state in a good position going forward.

Others in Utah's criminal justice system view Cordova as "empathetic, effective and a good listener who has brought a diversity of voices to policy discussions," according to a review from Cox's transition team. Ross said he hopes to continue that approach.

Bountiful Police Chief Tom Ross poses for a photo in Bountiful on Monday, Oct. 30, 2017.

Bountiful Police Chief Tom Ross poses for a photo in Bountiful on Monday, Oct. 30, 2017. Ravell Call, Ravell Call, Deseret News

Scott Burns, executive director of the Utah Sheriffs Association, cheered the appointment. Burns said he hopes Ross will help the state improve retirement funds for police officers in order to recruit and retain them, but the organization doesn't expect Ross to be in lockstep with sheriffs on each issue.

"He's like the Henry Kissinger of law enforcement up there," Burns said. "The guy has the ability to calmly listen and appreciate both sides of an argument, and that's fairly unique to find someone in law enforcement that has those skills"

Burns said his group was at odds with Cordova at times, including on asset forfeiture legislation to place cash or other items seized in police investigations in a state pool, rather than county coffers.

"It just seemed like we were never in agreement with her with respect to how grant money should be spent and how we can use what precious taxpayer dollars we had, and forfeiture money," he said.

One Utah lawmaker focused on criminal justice issues, Rep. Lowry Snow, noted Ross is well respected among law enforcers and could help the Legislature bridge a "confidence divide" with police. Some have been skeptical or downright resistant to the reforms.

"My impression is that he's a leader," said the Republican from Santa Clara. Snow, also a former prosecutor, said he's working on a bill that would address shortfalls of the 2015 reforms that reduced penalties for low-level drug offenses, including a lack of treatment options and differences in how police track data.

Snow said he credits Cordova with much of the success of Utah's juvenile justice reform and called her "outstanding."

"I have no idea what went into the selection process undertaken by Gov. Cox in making this change," Snow said. "But I do know that Kim was fantastic and she'll be missed."

Utahns shouldn't expect conversations about racial injustice to disappear with Cordova's departure, said Michael Zimmerman, a former Utah Supreme Court chief justice and a current commission member.

He said the disparate experiences among people of different races and ethnicities in the system are a focus of his.

"To the extent policies that can ameliorate those, it's important to pay attention to possible reform efforts," he said. "There is data to support the disparate impacts. Why they're there is something we can argue about. That they're there is hard to dispute."