

## LEGISLATIVE INTERIM COMMITTEES -- JUNE 2015

<b>LAW ENFORCEMENT AND CRIMINAL JUSTICE</b>	
<b>Bill Title/Subject Matter:</b>	<b>2015 Department of Public Safety Issues Overview</b>
Legislator(s) –Sponsor:	
Interested Parties:	<b>Commissioner Keith Squires</b>
Code Reference:	
<p><b>Description:</b> Commission Squires provided an update of public safety issues and budget information:</p> <ol style="list-style-type: none"> <li>1. Driver License Division: Utah County’s population is growing and currently the Orem office assists 90,000 customers annually. Provo has a limited service office, but additional services require access from the Orem office. Long term plan is to build a new DLD office in Orem to serve the population of Utah County.</li> <li>2. Crime Lab: Past resources provided by the legislature were used for Rapid DNA machines (for DNA simple collections). These machines are being deployed regionally throughout the state and local agencies will be trained to do these initial tests.</li> <li>3. DPS Helicopter: Prior to the 2002 Olympics, DPS purchased two used helicopters. Two years ago DPS replaced one of the helicopters. The second helicopter will need to be replaced in the next few years.</li> <li>4. UHP manpower needs for the next 5-10 years: Between 1980 and 2010, UPH increased only by four troopers. The past five years 26 troopers were added. Demands are growing and a study will be performed for the next five year-projection of growth and presented to the legislature.</li> <li>5. SBI: Investigators need to work with state, local, and federal agencies to provide a network to share information at the state level and to support the drug task forces and gang units. In the past, positions have been moved from SBI to help fill other areas including UHP. Currently, SBI does not have a presence in the Uintah Basin area. Future requests will be for additional SBI investigators.</li> </ol> <p><i>[Action: No action taken, information only.]</i></p>	
<b>Bill Title/Subject Matter:</b>	<b>Implementing the JRI-Medicaid Expansion</b>
Legislator(s) –Sponsor:	
Interested Parties:	<b>Ron Gordon, Executive Director CCJJ Doug Thomas, DSAMH Director Jeannie Edens, Salt Lake County Behavioral Health Rick Schwermer, AOC</b>
Code Reference:	
<p><b>Description:</b> Doug Thomas presented information on the JRI benefit from Medicaid Expansion. Most of the individuals in the public substance abuse and mental health system are at poverty level. Currently Medicaid is the major payer, but substance use disorder becomes a safety net only system with mental health a Medicaid system. Medicaid is the largest payer for mental health services. People in the criminal justice system have higher rates of mental illness and higher rates of substance abuse disorders.</p> <p>Currently there are 111,000 uninsured adults in Utah. In the criminal justice system it is estimated there are 36,630 uninsured adults. Of that 70% (25,641) will have a qualifying mental health or substance use disorder. There are 14,985 currently being served in the criminal justice system. There is \$33 million total dollars needed to treat the entire mental health and substance use disorder population within the criminal justice system. With Healthy Utah in effect, treatment could be provided for the criminal justice population and the state would get back \$6.0 million.</p> <p>Jeannie Edens presented additional information on the current programs in Salt Lake County. Approximately 90% of individuals entering county jails are uninsured. Most are male, non-parenting, low-income and currently not covered by Medicaid. There is significant evidence that by ensuring individuals have Medicaid coverage upon release from correctional facilities can contribute to reduced</p>	

recidivism. There is significant impact for the criminal justice population to not have access to Medicaid.

Rick Schwermer provided the judges' perspective that they are at the intersection of crime, substance use disorders and mental health issues. Judges are frustrated daily with the inability to address the underlying problem and not having sufficient tools to address the issues. JRI is the best hope in solving this issue; however, the funding mechanism needed is to have the Medicaid expansion component. The JRI will go forward, but the treatment component is needed. In the absence of treatment programs, it means judges who see the criminal justice population all that can be done is to place them on probation and order them to get screening and treatment. Then the judge punishes the offender for not getting the treatment. The other place in need of resources is the specialty courts and JRI did not provide resources for new slots in Drug Courts.

*[Action: No action taken, information only.]*

<b>Bill Title/Subject Matter:</b>	<b>Use of Force by Law Enforcement</b>
Legislator(s):	<b>Rep. Curtis Oda</b>
Interested Parties:	<b>Ken Wallentine</b>
Code Reference:	

**Description:** Mr. Wallentine provided information from around the country and in Utah on policies for use of force by law enforcement. Deadly force is quite uncommon, despite what has been recently reported in the news. You are in fact, twice as likely today as a young white male to be shot and killed by a law enforcement officer. He presented the following information from USDOJ:

- Nationwide there are 670,000 sworn peace officer; less than 2.5 peace officers for 100,000 individuals.
- A peace officer will come into contact with 17% of population and subsequently arrest less than 4% of the population assuming no one person is arrested more than once.
- In a years' time 670,000 officers had contact with over 53 million citizens.
- The BJA Statistics report that 26,000 complaints were made due to excessive force – this is not quite half of 0.1 percent of all police contacts. Of those complaints only 8 percent were sustained, having any form of merit or evidence.

Community perspective can change based on recommendations made by Mr. Wallentine including immediate reporting of use of force to a supervisor; consequences for unreasonable force; de-escalation training; tracking force; auditing force; and a quality assurance system for critical incident investigations. Utah can do better in uniformity of policy, and a uniformity of training regarding use of force. Additionally, Mr. Wallentine discussed the challenges of body worn cameras not capturing the entire incident.

Representative Oda presented information from the Administrative Rules Committee regarding the use of force issue. This committee is reviewing police use of force issues limiting it to use by state agencies and if use of force policies should be by rule or if statutory changes are needed. They are evaluating the differences between Administrative Rules vs. statutory language; officer training, and other general issues surrounding use of force.

The Committee discussed collecting statistics on state and local agencies' use of force. Currently CCJJ collects information on the use of force, but only when SWAT teams are called out.

*[Action: No action taken, information only.]*

**JUDICIARY**

<b>Bill Title/Subject Matter:</b>	<b>Expungement Amendments</b>
Legislator(s) – Sponsor:	<b>Rep. Brian M. Greene</b>
Interested Parties:	
Code Reference:	<b>2016FL-0190/003; Amends UCA §77-40-101, 102, 107, 108</b>
<b>Description:</b>	

Creates a new definition of "expunge"; requires that an administrative agency remove information regarding expunged convictions from public databases. Creates a statement of legislative intent for expungement; and provides a stated purpose for expungement.  <i>[Action: No action taken, information only.]</i>	
<b>Bill Title/Subject Matter:</b>	<b>Administrative Expungement Amendments</b>
Legislator(s) –Sponsor:	<b>Rep. Brian M. Greene</b>
Interested Parties:	
Code Reference:	<b>2016FL-005/003; Amends UCA 63G-2-305; 63G-4-102; Enacts 63G-4-701, 702, 703</b>
<p><b>Description:</b> Provides that agency records may be classified as protected under certain circumstances. Provides that an individual may apply for administrative expungement of records related to disciplinary action previously taken by an agency against the individual under certain circumstances, including that the individual: has had no additional disciplinary action for a certain period of time; and has fully complied with agency requirements regarding previous disciplinary action. Describes the application and fee requirements for seeking the administrative expungement of agency records related to action taken by the agency. Provides that records expunged under this legislation may still be used internally by the agency and shared with law enforcement, with the courts, and as directed by court order.</p> <p><i>[Action: Sen. Madsen will have a discussion with leadership to keep the bill in this Committee and not send it to Business Labor.]</i></p>	
<b>BUSINESS AND LABOR</b>	
<b>Bill Title/Subject Matter:</b>	<b>Bail</b>
Legislator(s) –Sponsor:	
Interested Parties:	<b>Wayne Carlos, Utah Association of Professional Bondsman &amp; Agents Rick Schwermer, Administrative Office of the Courts David Walsh, Salt Lake County Attorney's Office Kent Hart, Utah Association of Criminal Defense Lawyers</b>
Code Reference:	<b>HB 445 Bail Bond Surety Amendments 2015 GENERAL SESSION</b>
<p><b>Description:</b> The committee heard testimony and considered issues relating to bail and bail bonds, including how the amount of bail is set and how bail interacts with bail bonds. The Courts will be returning to the Legislature (November) regarding a study currently undertaken by the courts on Pre-Trial release and bail issues. The Committee is requesting additional statistical information on the number of bail forfeitures, court-ordered bail, etc., to be presented at a future meeting.</p> <p><i>[Action: No action taken, information only.]</i></p>	
<b>PUBLIC UTILITIES AND TECHNOLOGY</b>	
<b>Bill Title/Subject Matter:</b>	<b>Department of Technology Services: Improving Delivery of Agency Services</b>
Legislator(s) –Sponsor:	
Interested Parties:	<b>Mark Van Orden, Executive Director, DTS</b>
Code Reference:	<b>HB 300, 2015 GENERAL SESSION</b>
<p><b>Description:</b> During the 2005 GENERAL SESSION, legislation was created setting up the Internal Service Fund (ISF) for technology services for all the executive branch agencies. The Department has reduced IT staff from 910 FTE to 740 FTE since the legislation was passed; they have reduced data centers from 35 to 2 (state office building and back up in Richfield). DTS has saved the state over \$140 million since 2005 in the Internal Service Fund (ISF). The DTS is requesting four areas for legislative change consideration:</p> <ol style="list-style-type: none"> <li>1. Eliminate some divisions that were originally in the initial statute for efficiencies;</li> <li>2. Codify the Chief Information Security Officer;</li> </ol>	

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|  | <ol style="list-style-type: none"><li>3. Change structure of the Rate Committee (approves rates for coming year); Sen Hinkins sponsored SB 300, 2015 General Session – to change makeup of the Rate Committee, but it did not make it through the final night;</li><li>4. Move Utah Public Notice web site from DTS to DAS – (Archives) because they currently operating the web page.</li></ol> |
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*[Action: The items will be drafted into a Committee Bill and presented back to this Committee.]*