

COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

MINUTES

Date:	Tuesday, August 20, 2002	Time:	3:00 pm	Place:	Governor's Board Room
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Members Present	Mike Sibbett, Dan Becker, Paul Boyden, Afton Bradshaw, Gary Dalton, Karen Hale, Sandra Peuler, Reed Richards, Kirk Torgenson (for Mark Shurtleff), Val Shupe, Greg Skordas, David Yocom,
Members Excused	Mike Chabries, Blake Chard, Bob Flowers, Kay Lindsay
Members Absent	Rich McKelvie, Lynn Nelson, Leon Povey
Staff	Ed McConkie, Susan Burke, Gary Franchina, Reg Garff, Ron Gordon, Mike Haddon, David Walsh, Doreen Weyland, Richard Ziebarth, Russ Van Vleet
Guests	Justice Durham, Richard Fowles, Creighton Horton, Tom Peters, Chyleen Arbon, Jade Pussey

Agenda Item:	WELCOME AND APPROVAL OF MINUTES – Mike Sibbett
Notes:	<p>Chair Mike Sibbett welcomed everyone.</p> <p>Greg Skordas made a motion to approve the June 18, 2002 minutes. Second: Gary Dalton. The motion was unanimously approved.</p>

Agenda Item:	ATKIN CASE – Paul Boyden
Notes:	<p>Paul Boyden indicated the US Supreme Court recently found that executing persons who are mentally retarded is cruel and unusual punishment. However, the court did not define mental retardation, leaving the states to define it. Utah law allows mental retardation to be considered as a mitigating factor during the sentencing phase of a trial.</p> <p>Currently there are two capital cases set for trial in September. SWAP is urging CCJJ's support for the Governor to call a special session so the legislature can define mental retardation. With a definition in place, the victim's family members will not be subjected to a second trial if the case is overturned on this issue.</p> <p>Afton Bradshaw made a motion to refer the issues surrounding a special session in addition to proposed legislation on mental retardation to the Sentencing Commission to discuss at its September 4 meeting. Second: Sandra Peuler. Yeas =6, Oppose =5. The motion passes.</p>

Agenda Item:	FOWLES & BYRNES ECONOMIC MODEL – Richard Fowles
Notes:	Dr. Richard Fowles, Professor of Economics from the University of Utah, presented a criminal justice evaluation tool to be used by administrators and policy makers that will show the taxpayer dollars saved for every dollar spent on intervention programs. This tool is being developed in conjunction with the Criminal and Juvenile Justice Research Consortium, and should be complete within two years.

Agenda Item:	CCJJ PROGRESS REPORT & SB 1 INTENT LANGUAGE
Notes:	Ed McConkie reported that CCJJ is responsible to prepare Progress Reports consistent with SB 1 intent language for the Legislature. CCJJ will meet with other jurisdictions comparable to Utah to discuss options to incarceration. A contingency consisting of Senator Buttars, Bill Greer, Reed Richards and Representative Daniels will attend a 2-day roundtable in New York with the VERA Institute of Justice to share information on this issue. This is an ideal forum for DOC, the counties, DYC and the courts to partner under the CCJJ umbrella to have a strong showing to the legislature.

Agenda Item:	FORFEITURE AMENDMENTS – Ed McConkie
Notes:	Ed McConkie and Kirk Torgenson explained the difficulties associated with asset forfeiture. Currently the Federal government cannot share any forfeiture proceeds as they have in the past. A group will be reviewing federal law restrictions on sharing forfeitures with local states as well as Initiative B changes including strengthening the innocent owner clause provisions. Issues to be determined also include how the forfeited proceeds are split between law enforcement and substance abuse programs.

Agenda Item:	BUDGET UPDATE – David Walsh
Notes:	Dave Walsh indicated revenue estimates are expected in a couple of months. All major agencies have been working on their budget items for the next cycle. A reminder that agencies need to identify upcoming legislation that will have an impact on criminal justice by September 30. There is ongoing concern over the stock market and further terrorist activities. Ed McConkie explained that the Legislature took CCJJ's budget out of the general fund in the last special session. Our office is now funded by

	<p>fines/surcharges. In addition, they are performing an in-depth budget review of the entire Governor's office.</p>
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Agenda Item:	MENTAL RETARDATION FINAL REPORT UPDATE – David Walsh
Notes:	<p>Dave Walsh indicated a final report from the Cross Education Committee on Mental Retardation will be presented at the Annual Meeting. Surveys have been completed on how offenders with mental retardation are being treated in different areas. Key components will be education for local law enforcement, prosecutors and judges.</p>

Agenda Item:	OTHER BUSINESS
Notes:	<p>The Annual Meeting will be at the Huntsman Cancer Institute on October 11, from 8:00 am to 4:00 pm.</p>