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State of Utah

COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

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MINUTES

CCJJ FULL COMMISSION MEETING

Tuesday, February 8, 2007
12:00 – 2:00 p.m.
Governor's Board Room, Suite E220
East Capitol Building

Present: Judge Judith Atherton, Dan Becker, Senator Greg Bell, Scott Carver, Kay Cornaby, Clark Harms, Judge Elizabeth Lindsley, Dan Maldonado, Holly Martak, Richard McKelvie, Lohra Miller, Sheriff Lynn Nelson, Stan Parrish, Tom Patterson, Ed Phillips, Reed Richards, Greg Skordas, Kirk Torgensen
Staff: Mary Lou Emerson, Reg Garff, Ron Gordon, Diane Ngatuvai, Ned Searle, Dave Walsh, Doreen Weyland, Bob Yeates and Richard Ziebarth

I. Welcome & Approval of Minutes

Chair Stan Parrish welcomed all present. Stan noted that Carol Lear will be the new representative for the Utah State Office of Education and Senator Greg Bell has been appointed from the Utah Senate.

A motion was made by Dan Becker to approve the minutes of the December 19, 2006 meeting. The motion was seconded by Sheriff Nelson and unanimously approved.

II. Staff Changes

Bob Yeates noted that Mike Haddon has taken a position with the Dept. of Corrections, and Dr. Chris Mitchell will join CCJJ in March as the Director of Research and Data.

III. '07 JABG Grant Allocation Money

The Juvenile Accountability Block Grants (JABG) program is administered by the State Relations and Assistance Division of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice. Through the JABG program, funds are provided as block grants to states for programs promoting greater accountability in the juvenile justice system. State, local and tribal governments apply to the states for funds to support local state-of-the-art accountability-based programs in any of 17 program purpose areas. The Executive Committee requested the Courts and Juvenile Justice Services review the grants and make a recommendation to the CCJJ Full Commission. Reg Garff reviewed the proposed FY07 JABG project recommendations.

A motion was made by Dan Becker to approve the proposed FY07 JABG projects as recommended by the workgroup. Dan Maldonado seconded the motion which was unanimously approved.

IV. Utah Council for Crime Prevention Request

Stan noted that the Utah Council for Crime Prevention made a formal written request to the CCJJ Full Commission for \$200,000 in annual statewide crime prevention funding. UCCP expressed concern that their crime prevention program is statewide, however, there has been a shift in funding short-term programs that target limited populations, areas, and concerns. The Executive Committee recommended each SECP grant request be considered on its merits, however, preference would be given to statewide funded programs with no earmarking. Sheriff

Nelson expressed support for the DARE program that originates from UCCP.

A motion was made by Kirk Torgensen that the Full Commission support the Executive Committee's decision to give consideration to statewide programs when granting Crime Prevention funds. The motion was seconded by Ed Phillips and unanimously approved.

V. Asset Forfeiture

Richard Ziebarth presented the revised 2007 State Asset Forfeiture Grant (SAFG) Allocation Formula. The main focus of discussion centered on the 1/3 direct award to the seizing agency. This would replace the competitive grant program by awarding 33% of state forfeiture collections received by CCJJ directly back to the seizing law enforcement agency. Funds would be transferred through an abbreviated SAFG grant application. Concern was expressed regarding how the Legislature would view this revision. A lengthy discussion followed.

A motion was made by Kirk Torgensen to leave the current 2006 SAFG Allocation Formula as is until it can be brought before the Joint LECJ Interim Committee for study and discussion. This was seconded by Clark Harms and unanimously approved.

VI. 2007 Legislative Issues

◆ Senate Bill 50, "Drug Offenders Reform Act." Mary Lou Emerson reported this bill has passed the Senate and will go to the House.

◆ House Bill 84, "Traumatic Brain Injury Fund." This bill creates a fund through increasing the surcharge on DUIs and other offenses from 85% to 90% to provide monies for the fund. The fiscal note is \$700,000. Law enforcement is opposed to the bill due to the questionable connection to criminality. A lengthy discussion followed. Senator Bell will arrange a meeting with legislative leadership and CCJJ, Law Enforcement Legislative Committee, Sentencing, Utah Association of Counties and ULEIN representatives.

◆ House Bill 86, "Increased Penalty for Second Conviction for Certain Sexual Offenses." The bill's third substitute will work on technical changes that could cause problems long range. There is no fiscal note attached.

◆ House Bill 177, "Correctional Facility Bidding Process – Privatization of Corrections." This bill was previously going to obligate the Dept. of Corrections to put out an RFP for a 500 bed private facility. This has been reduced to a one year study that will be reported on to the 2008 Legislature.

◆ House Bill 375, "Sex Offender Residence Restrictions." This bill would require that sex offenders may not live within 500 feet of schools or public parks, swimming pools, or playgrounds. Primary concern is that there are parolees in treatment, or that have completed treatment, continuing to receive assistance and oversight. The Dept. of Corrections (DOC) wants to make sure they're not impeded by a law that would cause them to go underground or have to move to a rural area where services and oversight are limited. This bill is contrary to the public interest of protecting kids. There is also language curtailing education and treatment opportunities to offenders which would include the rehabilitation efforts in the correctional facilities. Tom will meet with Rep. Hughes to clarify the Dept. of Correction's opposition to this bill. Resources need to be marshaled to argue against the passage of this bill.

◆ House Bill 91, "Commission on Criminal and Juvenile Justice Funding." This bill provides that the balance of the criminal surcharge collected will be allocated to the Law Enforcement Operations Account (LEOA). These funds would be appropriated to CCJJ, which then allocates the funds to drug and crime task forces, methamphetamine initiatives and crime linked to drugs. This bill has a good chance of passing.

◆ H.B. 138, "Jail Contracting – Jail Compensation Amendments." This bill states that the average daily cost to house someone at the Utah State Prison (\$64.50) would also figure in a 40 year depreciation on corrections facilities into that cost. The initial fiscal note shows \$8 million the first year and \$9 million the second year.

Dave gave an overview of the budget.

VII. CCJJ Research Projects

The Criminal Justice Center solicited research needs input from CCJJ, They will look at the projects submitted and accommodate what they can,

Scott Carver noted the Sentencing Commission would like to see research showing how sentences have evolved through the years. Ideally, a database would be built reflecting the research with the capacity to update data regularly. This would be informative and helpful when proposing sentencing enhancements. Costs of what the inflation means to different agencies over time would figure in, as well.

Dave suggested doing a review of the pilot project drug board established several years ago in Weber and Davis Counties. This research would examine how treatment dollars are being used and how drug related treatment is working.

Richard Ziebarth would like to see a change in direction on a study for the Sexual Exploitation Prevention Grant Program. The initial plan included a review of the five projects holistically and then determining outcomes. He suggested evaluating each of the five projects individually in terms of which ones are working best. If House Bill 107 passes it will provide continual, ongoing funding. This study would help determine what is most effectively working.

A motion was made by Dan Becker to advance all three projects to the Criminal Justice Center at the University of Utah for their review. The motion was seconded by Tom Patterson and unanimously approved.

VIII. VAWA Grant

Ron Gordon reported that the Washington County Attorney's Office had been approved to receive a VAWA grant in the amount of \$74,000 to help fund a special prosecutor to prosecute crimes. When they applied for the grant they didn't yet have county funding, they have since secured this. They were hoping to obtain the grant and use it to fund the prosecutor, and shift the County funds elsewhere but that would violate the non supplanting rule. CVR worked with Washington Co. to perhaps use the grant money to fund a Victim Advocate, but they felt this position couldn't be justified. The recommendation from CVR is that the Washington County grant not be funded because of supplanting problems. If approved, this money will be rolled into next year's grant allocation.

A motion was made by Reed Richards to support CVR's recommendation to not funding Washington County's grant. The motion was seconded by Sheriff Nelson and unanimously approved.

IX. Cabinet Council Proposal

Ned currently staffs the Violence Against Women and Children Cabinet Council. Rep. Paul Ray has been working with Governor Huntsman to form a cabinet council for children. Ned suggested to senior staff that combining the VAWA Cabinet Council with this new cabinet council would help avoid duplicity of efforts. Rep. Ray would like to see this occur as a Joint Resolution or by the Governor's Executive Order. The Dept. of Corrections has been added to the group of 16 agencies involved. The cabinet council would meet twice a year with a written report to the Governor annually. It was noted that it would be problematic for judges to serve on this Council, however, juvenile court administrators could fill that position.

X. Annual Meeting Date and Location

Past annual meeting locations were reviewed. The Huntsman Cancer Institute was well regarded. The Full Commission left it to the discretion of CCJJ to determine where the meeting would be held on Friday, October 12, 2007 from 9:00 a.m. – 4:00 p.m..

XI. Next Meeting

The next meeting of the CCJJ Full Commission will be held on **Thursday, April 12, 2007 in the Governor's Board Room, #220 in the East Capitol Building from noon – 2:00 p.m.**