

MEETING MINUTES

Committee	COMMISSION ON CRIMINAL & JUVENILE JUSTICE
Date	Thursday, June 9, 2011
Time	12:00 p.m. – 2:00 p.m.
Location	State Capitol Complex, Senate Building, Copper Room
Members Present	Gaby Anderson, Judge Judith Atherton, Dan Becker, Kathleen Christy, Sim Gill, Chief Mike Larsen, Judge Elizabeth Lindsley, Angela Micklos (for Clark Harms), Stan Parrish, Scott Reed (for Attorney General Mark Shurtleff), Reed Richards, Greg Skordas, Major J. Scott Stephenson (for Commissioner Lance Davenport), Sheriff Jim Winder
Members Excused	Senator Stuart Adams, Camille Anthony, Adam Cohen, Representative Eric Hutchings, Rich McKelvie, Tom Patterson, Lana Stohl, Carlene Walker
Guests	Steven Allred, Paul Boyden, Steve Gehrke
Staff	Mary Lou Emerson, Reg Garff, Ron Gordon, Ben Peterson, Jacey Skinner, Dave Walsh, Clair Webster, Doreen Weyland, Richard Ziebarth
Agenda Item	Welcome
Notes	Stan Parrish welcomed all present and introduced Sheriff James Winder as a new member of the Commission.
Agenda Item	VOCA Grants
Notes	Christine Watters reported there is \$3,900,000 in FY 2011 VOCA funds available. Ninety-eight competitive and sexual assault set aside grant applications were received. The VOCA screening and Allocation committees recommend funding 90 grant applications totaling \$3,861,046.69. Motion: Dan Becker made a motion to approve the VOCA grant budget recommendations. The motion was seconded by Sim Gill and passed unanimously.
Agenda Item	Sex Offender Registry Legislation
Notes	Ron Gordon noted a copy of H.B. 389: Offender Registry Review could be found in their meeting materials. This bill came before the Legislature in the 2011 General Session and did not pass. Representative Jack Draxler intends to run this bill again in the 2012 Session and asked Ron to present it to the Commission for comments. This bill allows a person on the Sex Offender and Kidnap Offender Registry to petition the court for removal after five years for certain offenses, which include 1) unlawful sexual activity with a minor, 2) unlawful sexual conduct with a 16 or 17 year old, and 3) voyeurism. Ron said there are several states that do have a similar process in place and some are quite broad and allow almost any offender to apply to have their registration requirements terminated. Representative Draxler would like in the future to add to this bill some kind of requirement for a risk analysis, which would also be presented to the Court. Discussion followed. Judge Elizabeth Lindsley commented on lines 457-459 where it states “the prosecuting attorney shall provide notice of the petition by first-class mail to the victim at the most recent address of record on file,” she said they need to look at different ways to contact the victim, addresses may not be current. She suggested posting the notice of the petition on utahlegals.com. Sim Gill commented that he agrees with the categories of unlawful sexual conduct with a 16 or 17 year old and voyeurism, but does not agree with including unlawful sexual activity with a minor being a category. Angela Micklos commented on lines 465-468 where it states “The court shall review all documents submitted with the petition and may hold a hearing. If the court determines that it is in the interests of justice to do so, it may grant the petition and order removal. If the court grants the petition, it shall forward a copy of the order to the department.” Angela noted there are no guidelines to help the courts determine what they mean by “in the interests of justice” and there should be some guidance. The Commission asked Ron to take the comments raised today back to Representative Draxler. Reed Richards will discuss this bill with the Victims Council. Ron asked Commission members to take this bill back to their respective agencies for discussion and they will discuss the bill further at the next meeting.

Agenda Item	FFY 2011 RSAT Funding
Notes	<p>Mary Lou Emerson reported she originally discussed the FFY 2011 funding with the Commission in February. She had an application for the FFY 2011 funding due to the feds and asked for input regarding funding priorities. At that time she gave three options and the Commission voted to make the following funding priorities 1) enhancement of treatment services in Utah's prison-based Residential Substance Abuse Treatment/Therapeutic Community programs and 2) development of new and/or enhancement of existing substance abuse treatment programs in Utah's county jails and/or tribal correctional facilities. Mary Lou said she received a notice of award a couple of weeks ago and the amount they will receive is \$175,445 for FFY 2011. She noted FFY 2010 has a balance of \$53,465 funds and they have four years to expend it; these funds could be combined with FFY 2011 funds. Mary Lou noted there will be \$166,653 of FFY 2011 funds remaining after admin. costs are subtracted and her recommendation is to fund the Utah County OUT program for a second year.</p> <p>Motion: Sheriff James Winder made a motion to approve funding the Utah County OUT program. The motion was seconded by Greg Skordas and passed unanimously.</p>
Agenda Item	Utah/Salt Lake County – Communications Intercept
Notes	<p>Richard Ziebarth reported in late 2009, the District Attorney's Offices of Salt Lake and Utah County, and the Utah County Major Crimes Task Force proposed a technology improvement initiative designed to allow Utah law enforcement to intercept the ever-changing communication technologies. The original equipment cost of the initiative was over \$700,000. Funding for the initiative was included in a 2011 congressional earmark helmed by then Senator Bob Bennett. As a result of Senator Bennett's departure from the Senate, the earmark was removed as an option for funding. The original initiative was designed to provide law enforcement across the entire State of Utah the ability to use intercept technology to identify, disrupt and dismantle criminal organizations. He said since the loss of funding for the originally proposed initiative they have revised the scope of the project in order to allow local implementation of the initiative at a lower cost. The revised specifications now call for a 6-channel/15 user intercept system without IP communication intercept capability. By cutting the number of channels and IP capability, the cost of the initiative would be \$305,000. Richard noted CCJJ has state funding that comes from the Criminal Surcharge Account, which is primarily for drug task forces. This project fits within the drug task force mission as well as the major crimes mission. He said they have approximately \$600,000 in unallocated funds that needs to be expended. \$305,000 could be used to fund this project and the remaining funds would be rolled back into the drug task forces.</p> <p>Motion: Dan Becker made a motion to approve the Utah Law Enforcement Technology Improvement Initiative for a total of \$305,000. The motion was seconded by Reed Richards and passed with three abstentions (Sim Gill, Sheriff James Winder, and Chief Mike Larsen).</p>
Agenda Item	Juvenile Grants Review
Notes	<p>Reg Garff reported the Title II grant applications were reviewed and scored by the Utah Board of Juvenile Justice (UBJJ). The Board then met as a whole to consider project funding. The Title V grant is recommended by the UBJJ Title V Subcommittee. He reviewed the budget recommendations for both grants, which includes funding three Title II programs and one Title V program.</p> <p>Motion: Sim Gill made a motion to approve the Title II and Title V grant budget recommendations. The motion was seconded by Judge Elizabeth Lindsley and passed unanimously.</p>
Next Meeting	The next meeting is scheduled for Thursday, August 11, 2011 from 12:00 p.m. to 2:00 p.m., at the State Capitol Complex, Senate Building, in the Copper Room.