

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, September 5, 2007
Time	Noon – 2:00 p.m.
Location	State Capitol Complex, Beehive Room
Members Present	David Brickey, Judge Terry Christiansen, K.S. Cornaby, Scott Daniels, Rep. Carl Duckworth, Marlene Gonzalez, Senator Jon Greiner, Patrick Anderson for John Hill, Rep. Eric Hutchings, Randy Kester, Gaby Anderson for Dan Maldonado, Jim Marchel, Judge Gregory K. Orme, Tom Patterson, Kathy Reimherr, Chief Ed Rhoades, Sy Snarr, Kirk Torgensen, Bob Yeates
Members Excused	Paul Boyden, Judge Jeffrey Burbank, Senator Mike Dmitrich, Judge Kimberly Hornak, Judge Paul Maughan, Sheriff Brad Slater, Doyle Talbot
Staff	Mitch Brooks, Scott Carver, Jo Lynn Kruse, Chris Mitchell
Visitors	Cliff Butter, Adria Swindle
Agenda Item	Welcome and Approval of Minutes
Notes	Kay Cornaby called the meeting to order and welcomed everyone. David Brickey made the motion to approve the minutes from the August meeting. James Marchel seconded the motion which passed unanimously .
Agenda Item	Sentencing Guideline Data
Notes	<p>Chris Mitchell gave a follow-up presentation on the sentencing part of the <i>Sentencing and Release Guideline Report</i>. There is a graph at the top of page eleven that illustrates the percentage of diagnostic sentences from FY '03 through FY '07. The cases which were sentenced to the state prison Diagnostic program were analyzed separately. Diagnostic sentences are much more common for sex offenders. The chart shows 17.4% of the total number of sex offenders were sentenced to diagnostic compared to 4.6% of offenders sentenced under the General Guideline. After the evaluation period, the diagnostic offenders appear before the judge again for final sentencing. Table 16 on page twelve shows the percent of offenders sentenced to prison after completing a diagnostic evaluation. Overall, 27% of offenders between FY'03 and FY'07 were sentenced to prison after a diagnostic evaluation. However, sex offenders are much more likely to be sentenced to prison after a diagnostic evaluation than other offenders (51.8% vs. 20.9%).</p> <p>Please contact Chris if you have any additional input or if you would like her to make this presentation to others.</p>
Agenda Item	Juvenile Sentencing Philosophy Draft
Notes	One of the statutory responsibilities of this commission is to disseminate juvenile sentencing and release guidelines. Scott has arranged for people from the juvenile system and juvenile court to give us a presentation in November, so we can better understand the juvenile system. Judge Yeates developed a <i>Philosophical Approach Regarding Juvenile Sentencing and Release Determinations</i> draft while he was the Sentencing Commission director for the purpose of review, discussion, edit and approval. The draft is a good starting point in that it tries to strike a balance between rehabilitation of the juvenile offender and preserving public safety. Judge Orme suggested adding the words “for serious offenses” to the title of the document or possibly bifurcate the philosophical statement as serious offender vs. early offenders. The draft includes the following five positions: Public Safety, Interests of Victims, Interests of the Juvenile, Individualized Justice and Research and Recommendations. The juvenile sentencing guidelines need revision also. Randy Kester and James Marchel volunteered to serve on the

	sub committee. David Brickey made the motion to have the juvenile justice subcommittee work on the draft and bring it back to the commission for approval. Tom Patterson seconded the motion and it passed unanimously .
Agenda Item	Presentation to October Interim Caucus
Notes	The commission talked about publicizing ourselves better to the legislature at our last meeting. Scott drafted a double sided document titled <i>What is the Utah Sentencing Commission?</i> The document states the legislated mandates of the commission, lists the comprised membership of the commission and briefly describes indeterminate sentencing. The flyer will be distributed at the October Interim Caucus, along with a copy of the Penalty Distribution Booklet. Kay Cornaby, Scott Carver and others will give the presentation. Four presentations will be given: one to the Democrat and Republican House and one to the Democrat and Republican Senate. Scott will include several suggestions that were made to add to the document.
Agenda Item	Penalty Distribution Booklet
Notes	Scott presented the second edition of the <i>Penalty Distribution for Selected Crimes</i> booklet which will be distributed at the October Interim Caucus. The booklet contains expanded categories of offenses and covers just about every major category and is intended to be a tool for those who may need it for decision making. A suggestion was made to add the words “examples of” in front of the sentencing enhancements title on page two.
Agenda Item	Mental Health Initiative
Notes	August 16 th was the first Mental Health Initiative meeting. Bob Yeats read the names of those on the committee. Four others were added at that meeting. Sim Gill will serve as co-chair and Bob Yeates will serve as Chair. The committee will invite people from the community to help educate the group on mental health issues. Three top issues from each of the following five key points will be studied: Community Intervention, Booking, Court and Jail, Discharge and Community Support. Dr. Kristen Cloyes from the U of U has been tracking the mentally ill in our system and we will invite her to the next Mental Health Initiative meeting on September 25. Our goal is to come up with ideas to help the mentally ill in our jails and to find alternatives (early intervention) for mentally ill up front, rather than ending up in our jail system.
Agenda Item	Henry’s Law Discussion
Notes	Scott feels the Sentencing Commission should take a position on this because the proposed penalty is a new felony. CCJJ’s research assistants Ben Peterson and Mitch Brooks did a review of arrest, conviction and sentencing data from the criminal history file on cruelty to animals for the years 2000 – 2007. From 2000 – 2007 (to date) there were 332 arrests, resulting in 56.5 convictions. Roughly 75% served time in jail, with average time served 171 days. The question we have to answer is do we classify animal cruelty higher than the current Class A Misdemeanors of: assault, assault against a peace officer and child abuse? The commission decided to invite Senators Davis and Christensen to attend our November meeting.
Next Meeting	The next meeting is scheduled for Wednesday, November 7, 2007, Utah State Capitol Complex, Beehive Room

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ