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# State of Utah

## Utah Substance Abuse and Anti-Violence Coordinating Council

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# Minutes USAAV Council

**Wednesday, September 8, 2004**  
**Noon to 2:00 pm**

**Olmstead Meeting Room, 1<sup>st</sup> Floor**  
**East Capitol Complex**

*Present: Randy Bachman, Judy Kasten Bell, Susan Burke, Cmsr. Camille Cain, Col. Merrill Carter, Lou Callister, Blake Chard, Gary Jorgensen, Verne Larsen, Rep. Ty McCartney, Dr. Dick Melton, Terry Russo, Mayor JoAnn Seghini, Jack Tanner, Anna Kay Waddoups*

## I. Welcome

**Gary Jorgensen**

- Approval of July 14 Minutes

**Action Taken:** A motion was made by Colonel Carter to approve the minutes with Randy Bachman seconding the motion. The minutes were unanimously approved.

Gary reported that Dan Becker and Judge Michael Kwan asked to be excused as they were attending the annual judge's conference. Ed McConkie and Sherm Watkins also asked to be excused.

## II. Director's Report

**Susan Burke**

- Report on conference sponsorship request

CCJJ and USAAV were unable to provide any financial support for the Minority Conference discussed at the last USAAV meeting. Other requests for conference support have also been received and CCJJ has been unable to contribute due to budget issues. We will, however, continue to provide other types of support at conferences such as making presentations.

- Drug Endangered Children Seminar Report

A draft report from the August 13 seminar was distributed to all members. The workgroup will be meeting next week to finalize the report and develop an action plan. Surprisingly, seminar participants all seem to agree that no new legislation was required. The participants broke out in sessions led by law enforcement, treatment professionals and prosecutors. All arrived at similar recommendations such as improved coordination between treatment services and law enforcement, a public awareness campaign about the dangers of drug use during pregnancy and where to access help, and training for all agencies that work with pregnant women.

**Action Taken:** A final report will be distributed to members once it has been approved by the workgroup.

### III. Forfeiture Guidelines

Gary Jorgensen

- Support for revised funding allocation formula

Gary reported that the forfeiture workgroup met to discuss a revised distribution formula. At his suggestion, they arrived at the following formula:

- 1/3 law enforcement agencies
- 1/3 for Byrne-funded task forces (federal Byrne funding is being reduced and possibly eliminated).
- 1/3 for drug prevention and treatment

All funds would be distributed in the form of grants. Currently, there are no funds in the state forfeiture account.

### IV. Domestic Violence & Substance Abuse

Judy Kasten Bell

- Action taken by Domestic Violence Council

Judy distributed materials regarding the link between domestic violence and substance abuse. She stated their council is currently working on standardizing a policy among shelter providers on how to handle domestic violence victims who also have a substance abuse problem. For example, a woman may show up to a shelter with the smell of alcohol on her breath. It has been the policy of many shelters not to accept the woman. Instead, shelters could develop a different procedure that protects the woman from further abuse and also helps her access substance abuse treatment services.

Judy also stated that they are working on training domestic violence therapists on substance abuse treatment issues.

### V. DUI Committee Report

Anna Kay Waddoups

- Justice Court electronic reporting compliance

There are still 12 justice courts that are not compliant with the electronic reporting requirements. That number, however, continues to decline as courts work to meet the requirement. Rep. McCartney was concerned that the problem is not just the ability to report electronically, but the frequency of that reporting. Ideally, he added, all justice courts should report all their data to the Bureau of Criminal Identification. Such reporting could be very cost prohibitive unless specific parameters were set.

Commissioner Cain inquired as to whether the Administrative Office of the Courts notified the mayors or commissioners about the electronic compliance issue. Susan responded that she believed the letters were sent to the justice courts directly. Lack of notification of the city or county executives could explain why compliance has been so slow, she explained.

**Action Taken:** *The USAAV Council recommends that all Justice Courts achieve compliance as quickly as possible. The USAAV DUI Committee also needs to consider whether the definition of electronic reporting should be modified to include a reference to frequent and regular electronic reporting.*

- Alcohol restricted driver legislation

Anna Kay stated that the committee is considering draft legislation that would create three categories of alcohol-restricted drivers in one section of code to avoid confusion.

Category I: Convicted of auto homicide – lifetime no alcohol restriction.

Category II: Is 21 years or older with a passenger under the age of 16 and has a prior DUI conviction in the last five years or a second or subsequent conviction within the last 10 years.

Category III: any alcohol-restricted driver not covered by Category I or II.

A Category I, II or III alcohol restricted driver who operates a vehicle with any measurable amount of alcohol is guilty of a class B misdemeanor and shall be sentenced the equivalent of a DUI conviction. This conviction, however, will not count toward future DUI enhancements. An offender that committed the offense while in possession of a conditional license may be sentenced as a Class B misdemeanor without the minimum sentencing requirements.

**Action Taken:** *The Council voiced support for this concept and will take a formal position when a copy of the legislation is finalized and available.*

## VI. DORA Workgroup Update

Susan Burke

- USAAV's Role

Under DORA, the Council will have oversight and responsibility for developing the DORA implementation plan. In recent presentations, the Legislature has expressed disappointment that DORA will not help with the Department of Correction's immediate needs for beds. Some legislators, however, can see the long-range vision of DORA and are very supportive of it. Another presentation will be made to the Judiciary Interim Committee. The first year price tag still remains at \$6.3 million.

- Proposed sentencing reforms

CCJJ staff members have also been exploring possible drug sentencing changes to match DORA's approach to the drug problem. Currently, drug crimes are one of the few crimes that are automatically enhanced for subsequent offenses. It is possible for a person to be convicted of a felony for second possession conviction. Many offenders are also in prison for drug possession within 1,000 feet of drug-free zones. Col. Carter expressed concern about modifying the drug-free zones law because of the work and effort that went into passing the law and because of the negative message it sends. Lou Callister stated that we should, however, seriously look at possession laws. These offenders could greatly benefit from treatment.

***Action Taken:** The USAAV Council encouraged CCJJ to continue to explore this issue as a common sense approach to crime and not a "soft on crime" approach. Treatment should be presented as an effective consequence and an appropriate intermediate sanction.*

## VII. Other Business

### Next Agenda and Meeting Schedule

The USAAV Council meets bi-monthly, the second Wednesday of the month from noon to 2:00 pm.  
November 10, 2004