

# COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

## MINUTES

<b>Date:</b>	Tuesday, December 18, 2001	<b>Time:</b>	3:00 pm	<b>Place:</b>	Governor's Board Room
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<b>Members Present</b>	Dan Becker, Georgia Block, Paul Boyden (for John T. Nielsen), Afton Bradshaw, Mike Chabries, Blake Chard, Gary Dalton, Karen Hale, Judge Sandra Peuler, Mark Shurtleff, Mike Sibbett, Mike Spanos, Dave Yocum,
<b>Members Excused</b>	Bob Flowers, Judge Kay Lindsay, John T. Nielsen
<b>Members Absent</b>	Sue Behle, Chief Alan Kerstein, Leon PoVey, Richard McKelvie, Marilyn Sandberg, Greg Skordas
<b>Staff</b>	Camille Anthony, Susan Burke, Marvin Dodge, Gary Franchina, Reg Garff, Ron Gordon, Mike Haddon, Jennifer Hemenway, Ed McConkie, Briant Smith, Dave Walsh, Doreen Weyland, Richard Ziebarth
<b>Guests</b>	Russ Van Vleet, Leif Rundquist

<b>Agenda Item:</b>	<b>WELCOME AND APPROVAL OF MINUTES – Mike Sibbett</b>
<b>Notes:</b>	<p>Mike Sibbett welcomed everyone.</p> <p>Dan Becker made a <b>motion</b> to approve the October 12, 2001 minutes. Second: Gary Dalton. <b>The motion was unanimously approved.</b></p>

<b>Agenda Item:</b>	<b>SERIOUS YOUTH OFFENDER – Russ Van Vleet</b>
<b>Notes:</b>	<p>Russ Van Vleet distributed the Serious Youth Offender Law (SYOL) <i>The Impact of Law</i> report to the Commission. The report is outlined in draft form and will be revised as it is finalized. The report tracked 413 offenders in the juvenile system and approximately 100 juvenile offenders placed in the adult system. The research team met with judges, prosecutors and defense attorneys.</p> <p>A major problem that was identified is the juvenile system views the person as a serious youth offender, but when they are placed in the adult system, they are not treated as a serious youth offender. Issues still surround how to make this work when the offenders are placed in the adult system. Violent juvenile offending has increased and an answer needs to be found on whether the offender should have stayed in the juvenile system and received the appropriate sentence, rather than going through the adult system and not receiving as severe a sentence.</p>

	<p>Another issue was staff assaults. If an offender commits an assault while in custody, the offender knows he will be labeled SYO and taken through an adult program, where he or she may not receive as severe of a sentence. There is a difference in perception between the juvenile and adult systems.</p> <p>RECOMMENDATIONS: We need to rethink identifying youth who need incarceration for purpose of public safety; possibly change some of the criteria to better identify the youth. Juvenile and adult systems need to mesh more in incarcerating Serious Youth Offenders. Possibly change how long the juvenile system can hold the offender</p> <p>A suggestion to repeat the study and modify it in a few years to get current data and suggestions for implementation. A bill is in place through SWAP to respond to a case where an individual was placed in the adult court and was taken out of serious youth offender designation.</p> <p>Gary Dalton made a <b>motion</b> to accept the SYO report and refer further recommendations to the Sentencing Commission for their recommendations. The Commission also thanks Russ Van Vleet and his staff for the report. Second: Georgia Block. <b>The motion was unanimously approved.</b></p>
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Agenda Item	GRANTS – Richard Ziebarth Dave Walsh
Notes:	<p><b>BYRNE GRANT</b> Richard Ziebarth presented the Executive Committee’s recommendations on the distribution of Byrne grant money as follows:</p> <p><i>Department of Public Safety</i></p> <ol style="list-style-type: none"> <li>1. Cedar City Lab Expansion \$123,400</li> <li>2. CEM Bomb Squad \$59,062</li> </ol> <p><i>Department of Corrections</i></p> <ol style="list-style-type: none"> <li>3. Medication for Offenders \$100,000</li> </ol> <p><i>Administrative Office of the Courts</i></p> <ol style="list-style-type: none"> <li>4. Justice Court Technology Implementation \$68,250 (taken from Byrne Criminal History funds - not to be considered from \$0.5 million)</li> <li>5. Mental Health Court \$172,707</li> </ol> <p><i>DHS - Division of Youth Corrections</i></p> <ol style="list-style-type: none"> <li>6. MicroCert Computer Training \$100,000</li> </ol> <p>Mark Shurtleff made a <b>motion</b> to amend the Byrne Grant distribution to fund first priority requests from the agencies and to approve the Attorney General’s request. <b>The motion died for lack of a second.</b></p> <p>Dan Becker made a <b>motion</b> to approve the Byrne grant distributions 1-6 as recommended and approved by the Executive Committee. Second: Judge Peuler. <b>The motion passed with Gary Dalton abstaining and Mark Shurtleff opposing.</b></p>

	<p><b>VOITIS</b>  Dave Walsh presented the following two grant requests for approval:</p> <ol style="list-style-type: none"> <li>1. Blanding \$2,476,000</li> <li>2. Washington County \$5,424,300</li> </ol> <p>Dan Becker made a <b>motion</b> to approve the two VOITIS grants presented by Dave Walsh. Second: Mark Shurtleff. <b>The motion was unanimously approved.</b></p>
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<b>Agenda Item:</b>	<b>VICTIMIZATION STUDY – Mike Haddon Gary Franchina</b>
<b>Notes:</b>	<p>Mike Haddon and Gary Franchina presented the results from the Victimization Survey. Mike explained the planning and development of the survey with the names being randomly selected from the driver license database. The sample size was 5,000, of which 1,352 were removed due to wrong addresses, death or the individual was out of the state. There were 2,248 surveys returned for a 62% return rate.</p> <p>The survey results will be presented to the Legislature in January with a published copy to the Commission.</p>

<b>Agenda Item:</b>	<b>DRUG COURT STUDY – Marvin Dodge</b>
<b>Notes:</b>	<p>Is the state getting the best bang for the buck? USAAV will continue doing research and report back to the Commission.</p> <p>USAAV looked at the Salt Lake County Drug Court for the past 18 months. They selected 150 drug court graduates and looked at a control group who were in system at same time who would have qualified for drug court, but were not a part of drug court. (For purposes of this study, burglary was counted as a person crime.) The control group could not get into drug court because the court was not up and running long enough. The outcome of the research is reported on page 5 of the Salt Lake County Drug Court Outcome Evaluation. The results were very encouraging and support the theory of drug court programs in lieu of incarcerations.</p>

<b>Agenda Item:</b>	<b>LEGISLATION – Ron Gordon</b>
<b>Notes:</b>	<p>Ron Gordon distributed a list of bills that have been, or expected to be, submitted for numbering. The Commission has not taken any position on these bills. As the session draws near, the legislative tracking document will be used. Camille Anthony explained for the new members that historically the Executive Committee has been given authority to take a position on the bills.</p>

	<p>As a follow up to issues raised at the Annual Meeting, amendments have been made to the Juvenile Expungement bill.</p> <p>Representative Bradshaw informed the Commission the legislators have been asked to limit the number of sponsored bills to five each. She indicated, some will and some won't abide by this suggestion. In addition, no bill will be carried forward over the Olympics to when the legislative session resumes. **</p> <p>Georgia Block made a <b>motion</b> to allow the Executive Committee to take positions on the legislative bills concerning criminal and juvenile justice, allowing seven days to receive comment from the Commission. Second: Dan Becker. <b>The motion was unanimously approved.</b></p> <p>** A clarification has been made since the Commission meeting that a bill can be carried over through the Olympics.</p>
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<b>Agenda Item:</b>	<b>CRIME REDUCTION PLAN – Mike Haddon Camille Anthony</b>
<b>Notes:</b>	<p>The Crime Reduction Plan was put on the CCJJ website for comment from sheriffs and chiefs. Reminders were sent via email and fax soliciting comments prior to December 17. No comments were received. The Crime Reduction Plan will be presented to the legislature during the session.</p> <p>Sheriff Spanos reported the Sheriff's Association liked everything in the Plan, however, there are still issues with in-state prison transports. Camille will look into this issue.</p>

<b>Agenda Item:</b>	<b>MEETING SCHEDULES – Camille Anthony</b>
<b>Notes:</b>	<p>As of January 1, parking at the Capitol will be difficult. Camille suggested holding a Commission meeting via telephone if any issues surface during the legislative session. General Shurtleff explained that certain guidelines have to be met when holding electronic meetings. He will provide CCJJ with a list of those guidelines.</p> <p>Dan Becker made a <b>motion</b> to give Chairman Sibbetts authority to call a meeting if necessary and to set the next meeting after the Olympics and legislative session. Second: Sandra Peuler. <b>The motion was unanimously approved.</b></p>

<b>Agenda Item:</b>	<b>OTHER – Camille Anthony</b>
<b>Notes:</b>	<p>Everyone received a red folder containing the Parent to Parent Video that Justice Durham spoke about at the annual meeting. There is a follow up video, <i>Choose Freedom: Kids and the Law</i> that will be shown to school</p>

	children, available to be checked out from CCJJ.
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Minutes prepared by D. Weyland, CCJJ