

COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
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MINUTES

Date:	Friday, October 11, 2002	Time	8:30 AM	Place:	Huntsman Cancer Institute
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Members Present	Chair Mike Sibbett, Gary Anderson, Dan Becker, Mike Chabries, Karen Hale, Randy Johnson for Bob Flowers, Richard McKelvie, Dan Maldonado for Blake Chard, Lynn Nelson, Reed Richards, Val Shupe, Mark Shurtleff, Greg Skordas, Dave Yocom,
Members Excused	Judge Kay Lindsay, Leon Povey
Members Absent	
Staff	Ed McConkie, Susan Burke, Gary Franchina, Reg Garff, Ron Gordon, Mike Haddon, Jennifer Hemenway, Jo Lynn Kruse, Pat Mason, Diane Ngatuvai, Briant Smith, Doreen Weyland, Russ Van Vleet, David Walsh, Richard Ziebarth
Guests	Bill Greer and Gary Ricks – Fiscal Analyst’s office, Derek Jensen – Deseret News

Agenda Item:	WELCOME AND APPROVAL OF MINUTES – Mike Sibbett
Notes:	<p>Chair Mike Sibbett welcomed new members Gary Anderson from the Utah Board of Juvenile Justice; and Kay Cornaby from the Sentencing Commission. He also noted the following representatives: Randy Johnson attending for Bob Flowers; Dan Maldonado attending for Blake Chard.</p> <p>Executive Director Ed McConkie announced new staff positions: Susan Burke, Director of USAAV; Reg Garff, Juvenile Justice Specialist; Doreen Weyland, Grant Specialist; and Pat Mason, Administrative Assistant.</p> <p>Val Shupe made a motion to approve the August 20, 2002 minutes. Second: Lynn Nelson. The motion was unanimously approved.</p>

Agenda Item:	BUDGET DISCUSSION AND SYSTEMIC IMPACT – Ed McConkie and David Walsh
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Notes:	<p>Ed opened the budget discussion by reminding the Commission that CCJJ is charged with fostering broad philosophical agreement in the criminal justice system among the Executive branch and vertical coordination with state and local government. With the current budget shortfalls, there have been increased tension surrounding specific issues.</p> <p>One such issue for discussion is the re-entry initiative by the Department of</p>
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Corrections. The re-entry initiative has been inaccurately described by some state and local law enforcement groups as an early release program. Concern was expressed that when an agency such as DOC embarks on a process such as the re-entry initiative, there is a ripple effect on many state and local agencies.

The DOC was faced with cutting \$11 million and as a result shut down two of its institutions. This set a cap on available beds at 5500. Historically, DOC has experienced a growth of 325 inmates a year. Last year there was zero growth.

The message that needs to get out to the agencies is the re-entry initiative is a safe way to introduce prisoners into the community. There are three pieces to this process: (1) help the offender secure a place to live when they leave prison; (2) help the offender find employment; and (3) find alternatives in the community to help the prisoner transition to a crime-free life. There has been no crime waves in the community as a result of the re-entry initiative.

In June of 2001, based on budget cuts and the need to close the Promontory Corrections Facility, Corrections submitted a list of early release inmates to the Board of Pardons and Parole. Out of the 640 names submitted to the Board of Pardons and Parole, only 238 prisoners were selected for early release. There were no violent offenders or sex offenders included in the early release. This has proven to be the best group of parolees supervised in the community. Many of the group members have had their parole terminated because they are doing so well.

One role CCJJ can be active in is to help educate state and local law enforcement agencies, as well as the public, on the re-entry program. CCJJ will also perform research on the number of secure beds in the state and if re-entry is a good program for all agencies as well as the community.

POTENTIAL NEXT STEPS:

- A. Explore idea of "tracking" ALL state secure beds, on county by county basis.
- B. Planning between state and county.
- C. Study, endorse, and lead the way on "reentry" and other appropriate community alternatives (including federal alternatives).

Dan Becker made a **motion** for CCJJ to endorse the concept and philosophy of re-entry programs as advanced by the DOC, study the capacity and treatment issues at the state and local levels, and affirmatively make recommendations at the front and back ends of the adult system. Second: Afton Bradshaw. **The motion was unanimously approved.**

Agenda Item:	CCJJ ANNUAL AND NATIONAL AWARDS – Mike Sibbett and Ed McConkie
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Notes:	<p>The Phillip Hoke Award recognizes outstanding efforts to bring empirical analysis to bear on criminal justice policymaking in the states. It is presented annually to state Statistical Analysis Centers for excellence in translating statistics and research into publications which inform policy.</p> <p>The Hoke Award is presented in two categories: Research/Policy Analysis and Statistical/Management. Within each category, separate awards are given for small SACs--those with fewer than five full-time professional staff--and for large SACs. The SAC publication contest is competitive, with each report being rated by three judges.</p> <p>At the recent JRSA annual meeting in Boston, Mike Haddon was presented with the two top awards for small SACs:</p> <p>Statistical/ Management Category: <i>Thefts from Automobiles: Using Data to Address Community Problems</i> by Mike Haddon and Gary Franchina; Utah Statistical Analysis Center (Small SAC)</p> <p>Research/Policy Analysis Category: <i>Shedding Light--2000 Utah Crime Victimization Survey</i>, by Mike Haddon and Gary Franchina; Utah Statistical Analysis Center (Small SAC)</p> <p>Chair Mike Sibbett presented the 2002 CCJJ Annual Awards. They were presented to Camille Anthony and Chyleen Arbon for their dedicated service to the Commission and the criminal justice system.</p>
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Agenda Item:	HOMELAND SECURITY – Verdi White
Notes:	<p>Verdi White reported on the progress of homeland security planning. Utah is playing a significant role in developing homeland security plans due to its security success during the 2002 Winter Olympics and with Governor Leavitt being appointed to the national Homeland Security Council.</p> <p>Important lessons learned during the Olympics include the value of computer systems and radios that talk to each other. These capabilities gave the state a big advantage on having systemic communication. Another benefit was the value of relationships developed between agencies and being able to network with federal, state, and local levels of government.</p> <p>It is anticipated there will be a Homeland Security Coordinating Council in Utah similar in structure to UOPSC during the Olympics. There are many organizations and law enforcement agencies meeting with Governor Leavitt to develop a structure for both state and national levels.</p> <p>Funding for homeland security will be through the federal government (\$40 million proposed). The goal will be to integrate a two-way communication systems for health departments, criminal justice agencies and first responders - this will be vertical integration. Then they will link horizontally. Utah is currently part of a 12-state integration program specifically for law enforcement intelligence.</p> <p>On the federal side, the government will build a system (department), from the ground up and eventually plug into the federal level. They will expand capabilities in Utah without bringing a lot of people in, use existing resources.</p>

	CCJJ will be a point entity for Utah's homeland security with NCJA involvement. Utah is positioned in a unique role and will be in the forefront of developing programs for all levels of government.
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Agenda Item:	EXTRADITIONS WORKING GROUP REPORT - Doreen Weyland
Notes:	<p>Doreen presented the policy and recommendations from the Extraditions Working Group. The policy states CCJJ will coordinate travel for all extraditions that are to be reimbursed by this office. It also defines the time period for reimbursements to be submitted.</p> <p>Recommendations were made for each represented agency to facilitate restitution being ordered for extraditions. The CCJJ extradition staff will send the approved policy and forms to all state and local law enforcement agencies.</p> <p>Gary Anderson made a motion to approve the policy and recommendations of the Extraditions Working Group. Second: Lynn Nelson. The motion was unanimously approved.</p>

Agenda Item:	RESEARCH PROJECTS - Mike Haddon
Notes:	<p>Mike reported he is working with DPS to develop charts and tables that will aid in management decisions on incident base reporting (IBR). Programs will also be provided to assist local neighborhood watch and law enforcement agencies in IBR. He also reported that Utah is 70-80% IBR compliant. Mike will continue to work with law enforcement to identify tables, charts and maps that interest each agency.</p> <p>Mike provided an update on HB101- racial profiling, that requires data collection from law enforcement agencies . CCJJ is tasked with analyzing the information. There are concerns on the methodology of obtaining information that would appropriately indicate the presence or absence of racial discrimination.</p>

Agenda Item:	CROSS EDUCATION ON MENTAL RETARDATION - David Walsh, Sue Behle and Jeanette Drews
Notes:	<p>Sue Behle and Jeanette Drews presented the final report from the Cross Education Subcommittee on issues surrounding the mentally retarded population involved in the criminal justice system. The subcommittee developed a survey that was sent to all criminal justice entities requesting information on developments in dealing with this population. The survey results were incorporated into the final report as well as any changes that have occurred since 1995. Highlighted in the presentation was the need to be creative in diversion programs that are structured for a mentally retarded offender factoring in the cognitive abilities and how they associate their actions to a criminal offense.</p> <p>Mark Shurtleff made a motion to adopt the final report from the Cross Education</p>

	Subcommittee and have an annual presentation on the current issues surrounding the mentally retarded population in the criminal justice system. Second: Karen Hale. The motion was unanimously approved.
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Agenda Item:	CRIME REDUCTION / UTAH TOMORROW – Gary Franchina
Notes:	Gary reported he will oversee the updating of the Utah Tomorrow publication. The Utah Tomorrow document and the Crime Reduction Plan will be merged together. In doing so, there will be performance measures for each objective of the CRP. This will make it a much more effective document, as it will not only specify what agencies are doing, but it will eventually measure how they are doing in each area. For 2002, all current objectives and the performance measures will be published. The next publication (2004) performance measures will be added.

Agenda Item:	STAFF REPORTS
Notes:	<p><u>Ron Gordon – Sentencing Commission:</u> Ron reported that the Sentencing Commission will focus on two issues: (1) Establishing the DUI Best Sentencing Practices Manual; and (2) responding to the <u>Atkins</u> decision. The Sentencing Commission will issue a report on <u>Atkins</u> to the legislature during October Interim. It is important that this legislation is defined as a consensus bill between defense and prosecution counsels.</p> <p><u>Susan Burke - USAAV:</u> Susan identified the priorities for the USAAV Council. The 2002 Legislature eliminated four committees from statute and they have been put together as working groups: <i>Anti-Violence Committee:</i> Focusing on crime reduction and crime prevention. They will serve as a monitoring and review committee for state crime prevention and gang grants. <i>Criminal Justice Committee:</i> Working to correct the unintended consequence of the Initiative B Forfeiture Law, which in effect, has eliminated the ability of local law enforcement to receive proceeds for forfeiture. Utah has missed out on \$3.5 million in proceeds from federal forfeitures. Proposed legislation will correct these problems and target 50% of forfeiture proceeds to drug treatment programs. The current response is positive. <i>DUI:</i> Working to restore alcohol funding back to local government. Will also be responsible for issuing the annual DUI Statistical Report. <i>Substance Abuse Services:</i> Examining potential legislation that will promote treatment with supervision rather than incarceration for first time offenders or other low level offenders.</p> <p><u>Reg Garff – UBJJ:</u> Reg reported that the Utah Board of Juvenile Justice is a Subcommittee of CCJJ, and the Disproportionate Minority Committee has recently returned as a subcommittee of UBJJ. - UBJJ is beginning to distribute <i>Do The Write Thing</i> (DTWT) Campaign brochures. DTWT literature will be presented next Tuesday at the UEA Convention. - UBJJ will be a co-sponsor with the Utah State Bar on a training conference for attorneys regarding juvenile representation (to be held Nov. 21, 2002). - The annual UBJJ retreat is October 25, where discussion will focus on the three year plan.</p>

	<p><u>Richard Ziebarth – 2003 Byrne:</u> We are projecting a \$4.5 million Byrne grant with no anticipated cuts for 2003. Currently, Byrne is operating on \$2.6 million to local government. State funding is approximately \$1.9 million with the same expected for next year. We will maintain continuation funding with no new abstracts. In addition, we may hold back some funds for potential homeland security.</p>
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Agenda Item:	OTHER
Notes:	The next Commission meeting will be Tuesday, December 17, 2002 at 3:00 PM.