

Commission on Criminal and Juvenile Justice
August 3, 2004
Governor's Board Room

Members Present: Judge Kay A. Lindsay, Mark Shurtleff, Brant Johnson, Paul Boyden, Scott Carver, Eric Hutchings, Mike Sibbett, Reed Richards, Tom Paul, Freddie Cooper, Kay Cornaby, Dan Becker, Gary Anderson, Karen Hale, Judge Sandra Peuler, Verdi White, Gregory Skordas,

Members Absent: Richard McKelvie, Sheriff G. Lynn Nelson, Blake Chard, Gary Jorgenson

Staff: Ed McConkie, Pat Mason, Doreen Weyland, Susan Burke, Julie Christensen, Dave Walsh, Mike Haddon

Welcome and Minutes – Brant Johnson welcomed everyone.

Report from Forfeiture Working Group – Ed McConkie

Ed McConkie reported that CCJJ has a very detailed statute that is the guideline for handling the funds from asset forfeiture. Senate Bill 175 created three different funds through which the forfeited assets will pass. One of them is the Crime Reduction Assistance Program which will be controlled by CCJJ. The Asset Forfeiture Working Group has already met and they realize that there are several major issues that the Group will be going over and resolving. This Group will be presenting recommendations to CCJJ to modify, reject or adopt. There will be no distribution of any forfeited assets until the legislature formally appropriates money to the Crime Assistance Program.

Drug Offender Reform Act (DORA) Discussion – Ed McConkie

Ed distributed a document regarding DORA and gave an update on the Drug Offenders Reform Act (DORA).

- Last year at the Annual CCJJ Meeting, we adopted the Drug Offenders Reform Act (DORA) as it was proposed and it was later sponsored by Senator Chris Butters. CCJJ has been working with several groups to get more information and put more accurate numbers together.
- Approximately 85% of Utah's prison population has a substance abuse problem related to their criminal behavior.
- Currently only 25% of the inmates that need treatment can receive it due to limited resources.
- Under DORA, people arrested would go through a drug screening and approximately 80% would be moved on to assessment. Approximately 70% of the people assessed would be moved into treatment. The total numbers we see from screening and assessment show the need for 1600 treatment slots for the first year.
- By 2008, DORA would create 4,926 new treatment slots for inmates, parolees and probationers.

Mike Haddon presented a graph on DORA, breaking down the actual costs of drug screening, assessment, and treatment for people on probation, in prison and those on parole. The total cost would be as follows:

- Total Probation cost: \$8,069,060

- Total Inmate Cost: 6,414,820
- Total Parolee Cost: 2,086,980
- TOTAL DORA PRICE TAG \$16,570,860.
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Dan Becker brought up the fact that there would be more costs associated with case management including more supervision of individuals reporting back to the courts and probation officers. These extra costs would need to be built in.

Ed McConkie brought up the fact that by funding DORA, every dollar spent on drug treatment means we will avoid \$5.60 of problems incurred as a result of drug abuse.

Ed McConkie also presented a document, Additional Drug Treatment Impact on Admissions to Prison from The Utah Department of Corrections, July 19, 2004. This document projects additional prison costs of over \$6 million a year to accommodate the projected growth. In the probation and parole system, costs are expected to increase by almost \$500,000 per year. Any cost savings have to be balanced against these anticipated increases.

Scott Carver and Ed McConkie are going before the Executive Appropriations with the question of how many beds DORA is going to save. The message that they will be delivering is that DORA is good because it is going to avoid future costs to the state, county, private, and hospitals, but it will not fund Corrections. Ed stated that they feel DORA is the best policy for the State of Utah. Even though there will be problems of reform, it is still better than the alternative of putting drug offenders into prison where there is a failure in the system.

Dan Becker said that without a change of public policy, if we were to project the costs over the next five to ten years, we need to show what the costs would escalate to. Even if these changes were adopted it would take some time before we would see the costs go down in the system.

Ed said that every law maker that was brought in from another state that has participated in a program like DORA testified that it was not even a year into the change that they found that it was no longer a matter of fiscal responsibility but that it was simply the right thing to do.

After discussion, everyone felt that if there was a major shift in policy we should also include and adopt a counterpart to DORA for the juvenile system. Judge Lindsey said studies show that juveniles can be impacted more than adults with assessment and treatment.

Brant Johnson adjourned the meeting.