



Jon M. Huntsman, Jr.  
Governor  
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# State of Utah

## COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

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### MINUTES CCJJ ANNUAL MEETING

Friday, October 20, 2006  
Univ. of Utah Commander's House

Present: Dan Becker, Scott Carver, Kay Cornaby, Senator Karen Hale, Keith Hamilton, Richard McKelvie, Stan Parrish, Tom Patterson, Reed Richards, Mark Shurtleff, Dave Yocom, Russ Van Vleet  
Visitors: Ron Gordon, Kim Hawkes, Nate Hendricks, Ed McConkie, Tibby Milne, Sandy Naegle,  
Staff: Julie Christenson, Mary Lou Emerson, Reg Garff, Jennifer Hemenway, Jo Lynn Kruse, Diane Ngatuvai, Ned Seale, Briant Smith, Monica Taylor, Dave Walsh and Doreen Weyland

#### I. Welcome & Approval of Minutes

Stan Parrish

Stan Parrish welcomed all present. *A motion was made by Dan Becker and seconded by Mark Shurtleff to approve the minutes of the August 15, 2006 meeting. The minutes were unanimously approved.*

Membership terms have expired for Judge Kay Lindsay and Judge Sandra Peuler. Judge Judith Atherton of the 3<sup>rd</sup> District Court and Judge Elizabeth Lindsley of the 3<sup>rd</sup> District Juvenile Court have been appointed to the CCJJ Commission. Judge Robert Yeates will be retiring from the juvenile court and will be the new Utah Sentencing Commission Director beginning November 1.

#### II. Utah Council on Crime Prevention

Nate Hendricks, a board member of the Utah Council on Crime Prevention (UCCP), gave an overview of UCCP; its history and various accomplishments. UCCP's work addresses a variety of issues related to crime prevention continues today through statewide collaborative partnerships with community and neighborhood groups, local law enforcement agencies and local and statewide parent-teacher associations.

Chief Hawkes of the North Park Police Department spoke about challenging crime prevention issues regarding their small, nine employee department. UCCP is a resource that they use consistently to deal with their needs. Chief Hawkes encouraged the support of UCCP.

Mark Shurtleff gave his strong support of UCCP and their programs and recommended CCJJ write a letter to Governor Huntsman encouraging his consideration of UCCP's financial needs.

Governor Leavitt included a \$150,000 recommendation in the annual budget for statewide comprehensive crime prevention. That recommendation was not reinstated by Governor's Huntman's transition committee when he took office. Tibby Milne, the Executive Director of UCCP, noted that in order for UCCP to continue to manage their multi-faceted program, they are requesting \$150,000 be added to the 2007 Governor's Budget.

*Action Item: Stan Parrish asked that UCCP put their request in writing to be considered by CCJJ's Executive Committee at their November meeting.*

#### III. Bureau of Criminal Identification

Ed McConkie

Ed McConkie, Chief of the Bureau of Criminal Identification, presented a dilemma with great impact implications. BCI receives daily and weekly downloads from the courts, 80,000 of those cases received a month contain errors. These are diverted to a suspense file. This info can't be attached to the criminal history due to error. Currently, there are two million cases in the suspense file. As a result of September 11<sup>th</sup> there are now more background checks for applicants processed than background checks for criminal investigations. In 2006 alone 250,000 of the erroneous cases going into the error file had incorrect coding. Of those, 75% were traffic cases that need to be separated from DUI's. BCI would like to have CCJJ consider some kind of forum where BCI personnel can meet formally with data

personnel that put information into BCI's criminal history; so that prosecutors, law enforcement, courts, can get a handle on this. If this doesn't happen there could be terrible ramifications. BCI's problem is the system's problem.

*A motion was made by Scott Carver to have CCJJ participate in a general level committee made up of representatives from the courts, BCI, law enforcement, prosecutors to determine the root issues and specify individuals later to attend the committee.*

*The motion was seconded by Dave Yocom and unanimously approved.*

#### IV. Research Update

Julie Christenson

CCJJ's Research and Data Unit serves as the Statistical Analysis Center (SAC) for the State of Utah. Mike Haddon and Julie Christenson make up the smallest SAC within the U.S. Each calendar year, Utah's SAC applies for a State Justice Statistics (SJS) \$50,000 grant from BJS to fund a year-long research project. The Utah SAC's project for 2006 explored some of the far-reaching impacts of methamphetamine abuse. The data gathered for the report will serve a dual purpose as background information for the Governor's Meth Task Force. This is a broad research project looking at third party impacts of meth abuse in Utah. The goal of this study is to examine the ripple effect this drug has on those dealing with issues peripheral to the methamphetamine abuse itself.

Another research project is the Sex Offender Recidivism Study using Utah's Computerized Criminal History Repository. The goals of this study are twofold. First, the study will replicate a study of sex offenders conducted by the Bureau of Justice Statistics. Secondly, it will serve as an illustration of how to use criminal history data for research purposes. Any recommendations for data quality improvement generated by the study will be provided to the Dept. of Public Safety at the conclusion of the project.

Currently, Utah code includes an enhancement for drug offenses that occur within "drug free zones." The research group is in the process of looking at the geographical application of this enhancement, as well as circumstances under which it is being applied. There is concern this enhancement is being used in a way that is not uniform.

Sex offender "zones" have been implemented in approximately 16 states around the country. These zones generally take the form of residency restrictions of 2,000 feet or less for convicted sex offenders in locations they are likely to congregate, such as schools, parks, and daycare centers. Sex offender zones were developed for public protection from sexual victimization. However, there is a lack of evidence that housing restrictions for sex offenders enhance public safety in any meaningful way. One of the chief concerns is the limited housing options they create, forcing offenders to move to rural or remote areas with limited employment opportunities, limited access to treatment and other social services, and limited supervision. Such separation from support systems may be dangerous considering the longstanding research indicating that stability and support are likely to increase successful reintegration of sex offenders into law-abiding society.

CCJJ researchers are also using a mapping analysis to examine the link between where child sex offenders choose to live and the existence of potential targets.

#### V. Violence Against Women and Families, Sexual Violence Council and Domestic Violence

Following a video presentation Ned Searle introduced the TUFF program (Teaching Utah's Future Fathers). This program addresses the common societal standard of "boys will be boys". This program addresses eliminating excuses for inappropriate behavior and stressing the need for boys to be mentored and taught early and often that there is no place for violence in their lives. Current statistics show that a woman is battered by a man every 15 seconds (usually by an intimate partner), raped every two minutes and murdered by a spouse or boyfriend every six hours. Ninety five percent of all serious domestic violence perpetrators in prison are male men. Four women a day die in this country due to domestic violence. In 2005 there were 33 domestic violence homicides in Utah.

Utah Sexual Violence Council: The Utah Sexual Violence Council (USVC) was created to promote a climate where sexual violence is addressed as a priority issue. The following committees are set up within the Council; prevention, law enforcement, prosecution, sentencing, treatment and registration. Each committee has determined goals that are actionable, achievable and measurable.

Utah Domestic Violence Council: Ned noted that there has been a domestic violence icon placed on ten different participating department desktops in the state. This gives information regarding domestic violence workplace information, handbooks and referrals.

Ned would like the general population to understand that domestic violence is not just physical abuse. It includes emotional, economic, sexual, verbal and spiritual abuse. The face of domestic violence is changing. The Utah Domestic Violence Fatalities recommend nine goals they feel will help reduce domestic violence within the state. Each of these goals has been assigned to specific agencies and includes a timeline for completion.

## VI. State Asset Forfeiture Grant (SAFG)

Dave Walsh

Dave Walsh provided an update on the State Asset Forfeiture Grant (SAFG). The SAFG account has collected approximately \$500,000. The first grants recently were awarded using the *one-third* formula developed by the Asset Forfeiture Working Group. Dave also presented information from Dave Spatafore (lobbyist for the Chiefs of Police) on a legislative bill to run in the 2007 session, sponsored by Rep. Brad Dee. The draft legislation would move the 8.25% of unallocated surcharge monies from the General Fund to a CCJJ Law Enforcement restricted account. These monies would supplement declining federal funds for drug and gang task forces in addition to other projects prioritized by the Governor and legislature (including the Meth Task Force).

The second part of Dave Spatafore's proposal is to dedicate two-thirds of the SAFG account to the drug and gang task forces (they currently receive one-third of the funds). Reed Richards indicated that the working group set the formula and it should remain intact. He indicated the Sheriffs are not aware of the requested change and may not be supportive of this change. Doreen Weyland indicated under the *one-third* formula, the state agencies would not be able to apply for any SAFG grants if two-thirds of SAFG funds are dedicated to drug and gang task forces.

## VII. 2007 Legislation

Doreen Weyland

Doreen reported the first of the CCJJ Legislative meetings for the upcoming session will begin on Monday, January 8, 2007. The meetings will be held in the State Auditor's Conference Room, Capitol Complex East Ofc. Building room 310, from noon – 2:00 p.m. Lunch will be provided. All legislation information will be available for tracking on the website: [www.justice.utah.gov](http://www.justice.utah.gov).

## VIII. Legislation Establishing Utah Council on Victims of Crime (UCVC)

Ron Gordon

a. Ron Gordon, Director of CVR, gave an overview of the "Utah Council on Victims of Crime" bill noting that in accordance with the previous CCJJ recommendation, a representative from the Chiefs of Police Association and the Sheriffs' Association were added to the membership requirements. This has been added to the draft bill.

*Mark Shurtleff made a motion that CCJJ make this bill a priority for the upcoming legislative session. The motion was seconded by Senator Karen Hale and unanimously approved.*

b. VINE funding: For the past several years VINE has been funded by a grant for \$500,000 from the Utah Crime Victim Reparation's Board. However, the CVR Board is uncomfortable with funding this long term program. The preferred way to fund would be to have the item placed in the Governor's budget. Following the elections CVR will begin a VINE education campaign with the legislature.

*Reed Richards made a motion to allocate this money through the Governor's budget to be approved by the Utah Legislature. The motion was seconded by Mark Shurtleff and approved unanimously.*

c. APPRISS: Work is underway to add the Board of Pardons to the VINE system, allowing individuals to be notified of parole hearings and resulting decisions.. The information would be entered on [www.vinelink.com](http://www.vinelink.com).

d. Salt Lake County Justice Court Project: The Justice Courts are responsible for Class B violations and below. Many of Utah's domestic violence cases and "Driving Under the Influence" (DUI) cases are handled by the justice court system. With this grant, Utah hopes to conduct a "proof-of-concept" and expand notification to include the justice court system within Salt Lake County. However, Utah will not stop at notification, the plan is to leverage the data collected through this process by providing justice court data to law enforcement personnel using Utah's innovative criminal justice information system known as UCJIS.

## VIII. Staff Achievements

Tom Patterson

Tom expressed gratitude to the Commission for its longstanding commitment and dedication to resolving justice issues. He thanked the CCJJ support staff for their efforts to make the office run smoothly. He noted that Mike Haddon and Julie Christenson received the Phillip Hoke National Publication Award for research. The award was given for an unprecedented 7<sup>th</sup> year running for the Crime Victimization Survey.

Intern Lee Diel has been an asset to the research team using her expertise in mapping to identify sex offender zones. Jennifer Hemenway was able to get a \$247,000 BJA grant to expand VINE into the fifteen justice courts. The Sexual Violence Council was added this year and Ned Searle is spearheading this effort. The permanency of the Council will be evaluated this year.

The Meth Task Force has been facilitated through CCJJ and Mary Lou Emerson. This is an issue of grave concern to Governor Huntsman. Mike Haddon was recognized for helping during the transition period of the Sentencing Commission.

IX. Award Presentation

Dan Becker

Dan Becker presented the CCJJ Annual Award to Dave Yocom for his many years of dedicated service to CCJJ. David began practicing law over forty years ago in Salt Lake City. He has been elected four times as District Attorney for Salt Lake County. He serves as both the legal advisor for the county and as chief prosecutor for the State of Utah for all felony, juvenile and misdemeanor offenses committed in Salt Lake County. His office has 200 employees, including 81 attorneys, 11 investigators and 19 paralegals. Dave is the longest serving member of the current CCJJ Commission. His wife, Linda, accompanied him to the meeting. Dave thanked everyone for the award noting that he enjoys the work tremendously.

X. Methamphetamine Joint Task Force Update

Mary Lou Emerson

Mary Lou explained that the number one priority for the Task Force is the impact of methamphetamine on women of childbearing age. Another clear priority is looking into online, real time pharmacy tracking.

Other task force goals have been identified as follows:

- Support legislative initiatives for Drug Court, DORA, funding for treatment programs
- Identify the need for new legislation
- Help counties and local agencies to form partnerships
- Establish education and prevention services targeted at children and women
- Facilitate statewide collection, distribution, and analysis of data on methamphetamine manufacturing, use and effects on Utah's criminal justice, health, and human services systems
- Support increased State and Federal funding for local drug task forces
- Create and sustain funding for on-line database posting the names of those convicted of manufacturing meth, and the addresses of contaminated properties
- Increase Statewide coordination between state, counties and communities
- Present a clear message that meth is the leading drug-related law enforcement problem today. It is a major cause of child abuse and neglect and should be viewed as a health issue, not just a social or behavioral issue.

The Meth Joint Task Force consists of Law Enforcement, Prevention, Public Health and Treatment Subcommittees. Mary Lou reviewed their goals and proposals. Each subcommittee has identified legislative proposals for the 2007 session.

XI. Underage Drinking Prevention Media Campaign

Mary Lou Emerson

The program is sponsored by the Utah Dept. of Alcoholic Beverage Control and Utah Prevention. The goal of the campaign is to communicate that parental involvement is the most effective way to keep children alcohol free. Research shows parental disapproval of underage drinking is the number one reason youth choose not to drink. An internet site to educate parents about the dangers and lifelong implications of underage drinking can be found at [www.parentsempowered.org](http://www.parentsempowered.org).

XII. CCJJ Mission Statement

Stan Parrish

Stan reviewed the CCJJ Vision and Mission Statement and emphasized the need for CCJJ to continue setting goals and objectives. Also noted was the importance of diversity of thought in order to encourage effectiveness. The question was raised "Are we providing the mechanism for coordination?" Grants and expertise of leaders around the table provide an avenue for coordination. Dan added that the Commission is at its best when receiving research and then determining how to steer public policy.

XIII. 2007 Goals and Objectives

1. *Increase Impact on Legislation by Being Proactive*

- a. Educate new legislators following the elections regarding CCJJ and its purpose.
- b. Prioritize bills early.
- c. Line up effective sponsors early.
- d. Educate legislators with personal interaction by CCJJ members.
- e. Take the lead in organizing press conferences for priority bills/sponsors or other issues as needed.

2. *Data Gathering*

- a. Focus effort on records quality.

3. *Coordination Between Government Entities*

a. Invite the following individuals to attend CCJJ Full Commission meetings on an ex-officio basis:

- Gaye Taylor/Susan Allred – Research and General Counsel
- Senator Hatch staff member
- Senator Bennett staff member
- Justice Court representative
- FBI representative

4. *State Crime Reduction Plan*

a. Involve law enforcement.

b. Review accomplishments and determine direction.

c. CCJJ bring recommendations as a starting point.

d. Ensure success of the Criminal Justice Center

1) Involve CJC faculty with CCJJ.

2) Use CJC as a resource for research.

3) Have active interest to encourage a high level of participation.

4) Invite U of U President Young to a CCJJ Commission meeting in six months.

*Senator Karen Hale made a motion to accept the goals and objectives listed above for 2007. Dan Becker seconded the motion which was unanimously approved.*

XIV. Other Business

The second Thursday of every other month will be scheduled for the CCJJ Full Commission meeting from noon – 2:00 p.m. Lunch will be provided.

Tuesday, December 12, Noon – 2:00 @ the Beehive Room, East Capitol Complex Bldg., 1<sup>st</sup> floor

Thursday, Feb. 8, Noon – 2:00 @ Governor's Board Room, East Capitol Complex Bldg., 2<sup>nd</sup> floor

Thursday, April 12, Noon – 2:00 p.m. @ Governor's Board Room

Thursday, June 14, Noon – 2:00 p.m. @ Governor's Board Room

Thursday, August 9, Noon – 2:00 p.m. @ Governor's Board Room

Friday, October 12, 9:00 a.m. – 4:00 p.m. Annual Meeting; Location yet to be determined

Thursday, Dec. 13, Noon – 2:00 p.m. @ Governor's Board Room