

# MEETING MINUTES

<b>Committee</b>	<b>COMMISSION ON CRIMINAL &amp; JUVENILE JUSTICE</b>
<b>Date</b>	<b>Thursday, August 13, 2009</b>
<b>Time</b>	<b>12:00 noon – 2:00 p.m.</b>
<b>Location</b>	<b>Senate Building – Copper Room</b>
<b>Members Present</b>	Dan Becker, Adam Cohen (for Maria Garcia), Commissioner Lance Davenport, Clark Harms, Lohra Miller, Stan Parrish, Mark Payne, Greg Skordas, Kirk Torgensen (for Attorney General Mark Shurtleff), Carlene Walker, Robyn Williams (for Tom Patterson)
<b>Members Excused</b>	Judge Judith Atherton, Senator Greg Bell, Representative Eric Hutchings, Gary Jorgensen, Chief Mike Larsen, Carol Lear, Judge Elizabeth Lindsley, Dan Maldonado, Richard McKelvie, Sheriff Lynn Nelson, Reed Richards
<b>Guests</b>	Alana Kindness, Judge Paul Maughan, Debra Moore, Moises Prospero, Heather Stringfellow, Mike Tanana, Pamela Webster
<b>Staff</b>	Mary Lou Emerson, Ron Gordon, Chris Mitchell, Cuong Nguyen, Ned Searle, Jacey Skinner, Monica Taylor, Doreen Weyland, Richard Ziebarth
<b>Agenda Item</b>	<b>Welcome &amp; Approval of Minutes</b>
<b>Notes</b>	<p>Stan Parrish welcomed all present and introduced Carlene Walker who is the new Chair of the Sentencing Commission and will be replacing Kay Cornaby on this Commission. He also recognized Adam Cohen who has been named Executive Director of Odyssey House.</p> <p><b>Motion:</b> Lohra Miller made a motion to approve the meeting minutes of June 11, 2009. The motion was seconded by Clark Harms and passed unanimously.</p>
<b>Agenda Item</b>	<b>Dating Violence</b>
<b>Notes</b>	<p>Ned Searle reported dating violence is a growing problem in Utah and is not recognized or publicized to the extent of other forms of intimate partner violence. He said incident-based reporting systems (IBRS) show that a higher percentage of violent crimes, including, assault, forcible sex offenses, and kidnapping are now committed by boyfriends or girlfriends than by spouses. Ned also reported that between 2000 and 2008, Utah experienced 437 homicides; thirteen percent of these were committed by spouses or ex-spouses and approximately seven percent were committed by boyfriends/girlfriends or ex-boyfriend/ex-girlfriends. He also said Utahans in violent dating relationships cannot obtain protective orders against their aggressors, unless they are living with or have a child with the partner. Ned noted they have been working on proposed dating violence legislation for the past five years and asked the Commission for their support. He also asked the Commission to make this legislation a priority for the 2010 Legislative Session.</p> <p><b>Motion:</b> Carlene Walker made a motion to support in concept the dating violence legislation. The motion was seconded by Lohra Miller and passed unanimously.</p>
<b>Agenda Item</b>	<b>Sexual Violence Summit</b>
<b>Notes</b>	Ron Gordon reported the Utah Sexual Violence Council is a working group of this Commission and provides information on issues relating to sexual violence in the State of Utah. This Council went to the Executive Committee and asked for funding up to \$25,000

	<p>to fund a Sexual Violence Summit in 2010. The Executive Committee was interested and supported the Summit in concept and asked that additional information be brought to the Commission. Heather Stringfellow, Executive Director of the Rape Recovery Center reported when they look at the Rape in Utah report they understand that one in three women are affected by sexual violence in their lifetime in Utah and very few access mental health care or medical care. She also reported even fewer report the crime to the authorities and are questioning why this is the case. Heather said this Summit would bring all counties across Utah together to provide a venue were counties could have the opportunity to answer these questions. Ron said \$3,000 of the \$25,000 is being donated by the Children Justice Centers Program and the Utah Coalition Against Sexual Assault. Stan noted if the Commission chooses to fund this Summit the remaining \$22,000 would come from JAG grant funds.</p> <p><b>Motion:</b> Lohra Miller made a motion to approve \$22,000 in JAG grant money to fund the Sexual Violence Summit. The motion was seconded by Dan Becker and passed unanimously.</p>
<b>Agenda Item</b>	<b>JABG Interest Funds</b>
<b>Notes</b>	<p>Ron Gordon reported there is \$53,948.80 in interest available from the JABG grant, which expires on June 4, 2010 with no chance of an extension. The Executive Committee's recommendation for expending this funding is to give \$23,948.80 to Juvenile Justice Services for community placements and \$30,000 to the Juvenile Court for the Carey Guide Pilot.</p> <p><b>Motion:</b> Dan Becker made a motion to approve the Executive Committee's recommendation for expending the JABG interest money. The motion was seconded by Mark Payne and passed unanimously.</p>
<b>Agenda Item</b>	<b>Alternatives to Incarceration</b>
<b>Notes</b>	<p>Judge Paul Maughan reported the Board of District Court Judges formed a subcommittee of the Board some time ago to study alternatives to incarceration, which lead to evidence-based practices and a symposium partly sponsored by the Commission. He said in addition to the symposium they have been developing a strategic plan addressing evidenced-based practices. Judge Maughan noted this subcommittee has gone as far as they comfortably can as judges and has met with the Sentencing Commission who has agreed to collaborate with them on this issue. The Sentencing Commission has developed a subcommittee to address this issue.</p> <p><b>Motion:</b> Dan Becker made motion that the Commission continue to support the evidence-based practice initiative and particularly support the ongoing subcommittee, which will be operating under the Sentencing Commission. The motion was seconded by Lohra Miller and passed unanimously.</p>
<b>Agenda Item</b>	<b>Inmate Exception for Medicaid</b>
<b>Notes</b>	<p>Lohra Miller reported they are looking at the issue of jails being used as de-facto mental health facilities and what is being done across the nation to address the costs of this. She said the problem in Utah is that when someone is in jail they become stabilized on their medication and when they are released they are terminated from Medicaid and have to re-apply, which leads to a lapse in coverage. As a result many of them are de-compensating and then committing new crime. What other states have done to address this problem is rather than terminating the Medicaid coverage they have suspended that</p>

	<p>coverage so it can be picked-up immediately upon release. The federal rules do allow for this and the initial push was to have the rules in Utah changed so rather than terminating and having to re-apply they were allowed to suspend that coverage while incarcerated. Lohra reported the rule to Medicaid came about because the public had an outcry against having to pay for person's medical coverage while in jail through Medicaid. Since that time there have been supreme court rulings, which have mandated that we pay for this medical coverage. She said as healthcare changes come more to the forefront of medical coverage, one of the issues raised is should there still even be an exception for inmates being held in our jails or should the inmate exception be eliminated all together. Lohra mentioned their initial push has been re-focused; they would like to change the rule in Utah but also want to join a national effort to eliminate the inmate exception for persons in state jails. The Commission discussed this issue and decided that a letter supporting the suspension of the inmate exception be drafted and reviewed by the Executive Committee.</p>
<b>Agenda Item</b>	<b>Utah Criminal Justice Center Update</b>
<b>Notes</b>	<p>Moises Prospero and Mike Tanana provided updates on research projects they are working on, which include: statewide DORA, audit of the criminal history file, and the Utah Board of Juvenile Justice (UBJJ) quality assurance program. They also mentioned the possibility of doing a dating violence prevalence study. Ron noted if there are issues the Commission would like to have studied to let him know. He also reported there are a number of agencies who contribute financially to a joint contract with the Criminal Justice Center for these studies. Ron said more money in this contract would result in more research being done and to let him know if others are interested in contributing.</p>
<b>Agenda Item</b>	<b>Jail as a Condition of Probation</b>
<b>Notes</b>	<p>Jacey Skinner reported the Sentencing Commission has the specific statutory responsibility to create sentencing guidelines and will be undertaking the task of creating guidelines for jail as a condition of probation specifically. She said these will be a separate set of guidelines, which will only deal with the length of stay in the jail for someone who is convicted of a felony and is serving in jail as a condition of their probation. Jacey also reported a work group has been created and has been discussing issues surrounding this matter and have begun to review data on length of stay. She mentioned length of stay is not consistent throughout the state and they hope by providing guidelines this will change.</p>
<b>Agenda Item</b>	<b>Annual Meeting</b>
<b>Notes</b>	<p>Ron Gordon reported at the last Executive Committee meeting they discussed making sure good policy is driving all the decisions made by this body, including grant funding decisions. The Executive Committee also talked about spending two or three hours at the annual meeting on a single subject and to have this subject be a focal point of CCJJ's efforts over the coming year. Ron reviewed subjects that were suggested and the Commission decided they would spend time reviewing sentencing and incarceration policies at the annual meeting.</p>
<b>Next Meeting</b>	<b>The next meeting is scheduled for Thursday, October 8, 2009 from 8:30 a.m. to 4:30 p.m., at the Department of Transportation located at 4501 South 2700 West.</b>