

# MEETING MINUTES

<b>Committee</b>	<b>COMMISSION ON CRIMINAL &amp; JUVENILE JUSTICE</b>
<b>Date</b>	<b>Wednesday, April 14, 2010</b>
<b>Time</b>	<b>8:30 a.m. – 4:00 p.m.</b>
<b>Location</b>	<b>State Capitol Complex, Senate Building, Spruce Room</b>
<b>Members Present</b>	Senator Stuart Adams, Camille Anthony, Judge Judith Atherton, Dan Becker, Commissioner Lance Davenport, Clark Harms, Representative Eric Hutchings, Dan Maldonado, Richard McKelvie, Lohra Miller, Stan Parrish, Tom Patterson, Mark Payne, Attorney General Mark Shurtleff, Carlene Walker
<b>Members Excused</b>	Maria Garciaz, Chief Mike Larsen, Carol Lear, Judge Elizabeth Lindsley, Sheriff Lynn Nelson, Reed Richards, Greg Skordas,
<b>Guests</b>	Steven Allred
<b>Staff</b>	Mary Lou Emerson, Ron Gordon, Jennifer Hemenway, Ben Peterson, Ned Searle, Jacey Skinner, Bri Smith, Monica Taylor, Ken Vargason, Dave Walsh, Doreen Weyland
<b>Agenda Item</b>	<b>Welcome &amp; Approval of Minutes</b>
<b>Notes</b>	<p>Stan Parrish welcomed all present. He introduced Camille Anthony as a new member of the Commission who is representing the Utah Substance Abuse Advisory Council and also introduced Senator Stuart Adams as the new Utah Senate representative.</p> <p><b>Motion:</b> Dan Becker made a motion to approve the meeting minutes of February 11, 2010. The motion was seconded by Commissioner Lance Davenport and passed unanimously.</p>
<b>Agenda Item</b>	<b>Sexual Exploitation of Children Prevention Grant (SECP)</b>
<b>Notes</b>	<p>Richard Ziebarth reported the Sexual Exploitation of Children Prevention grant program was initiated by the Legislature in FY 2007. The program started with a one-time appropriation of one million dollars and the next year was approved for an on-going appropriation for programs to provide internet safety training and education to prevent sexual exploitation of children. He said in the first year the Commission on Criminal and Juvenile Justice (CCJJ) funded five projects and are currently funding one project called NetSafe through the Utah Education Network (UEN). Richard, Ron Gordon, and Dave Walsh were able to visit this project a few weeks ago and were very impressed with what is being done. Richard reported this project provides for seven part-time Outreach Coordinators throughout the State. In FY 08-FY 09 they had 150,000 hits on the NetSafe Utah Website and Outreach Coordinators trained 23,000 students, teachers and parents. He noted the Executive Committee recommends awarding the FY 2010 and FY 2011 SECP funding to UEN to continue the NetSafe project for a total of \$533,600 for the next two to three years.</p> <p><b>Motion:</b> Dan Maldonado made a motion to approve awarding the FY 2010 and FY 2011 SECP funds to the Utah Education Network. The motion was seconded by Lohra Miller and passed unanimously.</p>
<b>Agenda Item</b>	<b>State Asset Forfeiture Grant (SAFG)</b>

<b>Notes</b>	<p>Richard Ziebarth reported the State Asset Forfeiture program came to CCJJ about five years ago following revisions to initiative B done through S.B. 175. S.B. 175 created a restricted account where all state forfeiture proceeds are sent to CCJJ and deposited and CCJJ in turn grants this money out to law enforcement and other purpose areas as outlined in the law. He said the working group that helped pull this program together initially came up with a funding formula that essentially split the amount of money collected into three parts: drug courts, drug task forces, and a law enforcement competitive grant program. The competitive grant program does give a significant scoring advantage to an agency that participated in the program. The funding limitations are set at about \$20,000 and that can be very good for an agency that has put in very little money and could be too low for agencies that have put in a significant amount of money. Richard proposes changing the competitive grant program to a more direct formula program where money is going back to the agencies that actually provided money to the account in the prior year.</p> <p><b>Motion:</b> Carlene Walker made a motion to approve changing the SAFG competitive grant program to a more direct formula program. The motion was seconded by Lohra Miller and passed unanimously.</p>
<b>Agenda Item</b>	<b>Legislation Overview</b>
<b>Notes</b>	<p>Doreen Weyland reviewed legislation that passed during the 2010 Legislative Session. She will be proposing to the Executive Committee that they meet on the last Monday of the Session to take action on bills and substitute bills. Doreen said one bill that impacts CCJJ directly is S.B. 217 which is the increase in surcharge on fines; this bill creates a new law enforcement service account that will be administered through CCJJ to increase law enforcement in areas with halfway houses. Dave Walsh reported there was a reduction in CCJJ's ongoing budget for DORA, which funds the evaluation through the University of Utah. He said they have non-lapsing money that will allow them to continue to evaluate DORA for the next couple of years. DORA was funded with \$2.9 million and is one-time money. Doreen reported master study items of interest that have been assigned to their interim committees include cost of the death penalty, a comprehensive review of the criminal code, indigent defense, prescription abuse, sexual offenses against minors, gun free zones, and phone slamming.</p>
<b>Agenda Item</b>	<b>Crime Prevention Grant/Gang Mini-Grants</b>
<b>Notes</b>	<p>Ron Gordon reported they had a good discussion with the Executive Committee about two state funded grant programs, the Crime Prevention grant program, which has about \$200,000 in grant funds and the Gang Mini-Grant program, which has \$80,000 in grant funds. He said each one of these programs has five to eight individual grants that are used in various areas throughout the state. Ron noted CCJJ has often established priorities for the Crime Prevention grant. CCJJ staff is proposing these two grant programs be combined into one and that one or two bigger grants be distributed. The Executive Committee asked Ron to go to the Gang Task Force and ask for ideas for priority purpose areas and the Task Force recommended the following 1) interventions for high risk offenders, 2) the subgrantee be required to work collaboratively, 3) the scope should include both juveniles and adults, 4) reentry efforts, 5) be available to local units of governments and non-profits, and 6) be clear that the grant require process and outcome evaluations. Ron reported the Executive</p>

	<p>Committee recommends combining these two grant programs, making one or two awards and that the Commission considers gang crime as a priority purpose area for this funding. He noted CCJJ staff has received one additional idea for this type of funding, which has not gone through the Executive Committee. The Utah Council for Crime Prevention recommends the funding be used for statewide crime prevention training.</p> <p><b>Motion:</b> General Mark Shurtleff made a motion to approve combining the Crime Prevention grant program and the Gang Mini-Grant program into one and have the focus be gang prevention/intervention. The motion was seconded by Dan Becker and passed unanimously.</p>
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<b>Agenda Item</b>	<b>Research</b>
<b>Notes</b>	<p>Ben Peterson reviewed a potential research agenda for the next year. He reported current research in progress includes 1) parole revocations project, which is an analysis of a cohort of offenders released to parole in Utah to identify factors influencing violations and revocations, 2) 2009 Statewide Crime Victimization Survey, 3) evaluation of the Drug Offender Reform Act (DORA), and 4) Gang Task Force Statewide Survey on gang crime and its impact. Proposed research for 2010-2011 includes 1) dating violence experience of incoming college freshman, conduct a survey of incoming college freshmen at Utah universities on prior experience with romantic relationships and dating violence, both as victims and/or perpetrators and 2) gang research projects – why are middle/high school kids joining gangs? (assessment of opinions on gangs and gang membership in a group of middle/high school students, youth in community programs, and youth involved in juvenile court and/or the juvenile justice system). These are the two projects proposed for the State Justice Statistics grant, which is awarded annually by BJS.</p> <p>Ben also reviewed other possible research topics for 2010-2011. Discussion followed. Clark Harms suggested they look at Access 1 offenders and what other states are doing with similar populations; he said this is a difficult population to supervise. Tom Patterson suggested they also look at what the feds are doing and noted this is a big issue for Corrections. Clark said they need to identify factors in addition to just the level of severity of crime across the state. They need to see if there is a correlation between AP&amp;P’s recommendation and the actual sentence, the LSI score and the actual sentence, and criminal history and the actual sentence. Lohra Miller suggested adding this issue to the evaluation of sentencing and incarceration policies. General Mark Shurtleff suggested evaluating drug courts and also to look at why it takes so long to execute those on death row in Utah. Ron Gordon said this might be a question that involves some legal research as well as other types of research and CCJJ has the possibility this summer of having some externs, this could be a project assigned to them. Tom Patterson mentioned the biggest issue for the Department of Corrections right now is they have no new beds and are moving towards their maximum capacity. Tom would like some assistance in a unified way as to how to approach the legislature with this issue. Lohra Miller said this issue could also be added to the evaluation of sentencing and incarceration policies. Ron noted the Commission has already decided to evaluate sentencing and incarceration policies and this topic could be moved under current/ongoing research. The scope could be expanded to include these discussion items. Lohra also</p>

	<p>suggested combining Sentencing Commission research with the evaluation of sentencing and incarceration policies. The Commission prioritized research topics, the top two priorities are 1) effects of illegal immigration on crime in Utah and 2) evaluation of prisoner reentry programs. Dan Becker said as research concludes they need to look at how it can be applied. Jennifer said they will update the Commission at every meeting on where they are and what is being done.</p> <p>Jennifer reported they went to the Department of Corrections a couple of weeks ago and Cliff Butter gave an overview of who is currently in prison, length of stay, how offenders do on parole, etc. She reviewed the Board of Pardons and Parole special attention activity from 2004 through 2009. Jennifer noted possible reasons for why the Department of Corrections would request a special attention hearing include 1) completed programming and treatment, 2) lack of disciplinary history, 3) criminal history and level of crime, 4) advocacy of staff, and 5) community placement plans are sufficient. She said the problem is that these reasons have never been very systematic. After the meeting with Cliff they started thinking about how they could structure a program where inmates could be rewarded for good behavior, save prison beds, and maintain public safety. Jennifer reported that potentially they could set-up a research design involving a systematic path towards a special attention hearing. Clark Harms commented that they don't want to institutionalize the expectation that if the offender does certain things they are going to get out early, because in fact they might not. Ron asked whether there is a way to maintain and respect the discretion where it lies, but also recognize the fact that it is going on and impacts the system and does create a savings. Tom said when an inmate walks into the institution they identify what their deficiencies are and what needs to be done in order to be released. He noted it is a regular responsibility for their case workers to prepare for special attention hearings. Clark suggested they start out with a study, using the data they already have, on offenders who were released earlier than their initial release date, look at the offenders experience and how it relates to offenders who didn't get released early and also look at recidivism rates.</p>
<b>Agenda Item</b>	<b>Awards Presentation</b>
<b>Notes</b>	The 2010 CCJJ Annual Awards were presented to Dr. Christine Mitchell and Paul Boyden for their contributions to the criminal justice system.
<b>Agenda Item</b>	<b>National Instant Check System (NICS)</b>
<b>Notes</b>	Jennifer Hemenway reported NICS is administered by the Federal Bureau of Investigations (FBI). A NICS check includes a check of three databases maintained by the FBI, including 1) Interstate Identification Index (III), a database of criminal history record information, 2) National Crime Information Center (NCIC), which includes information on individuals subject to civil protection orders and arrest warrants, and 3) NICS Index, which includes the information contributed by federal and state agencies identifying persons prohibited from possessing firearms who are not included in the III or NCIC, such as persons with a prohibiting mental health history or who are illegal or unlawful aliens. The Gun Control Act of 1968 establishes categories of persons who are prohibited from receiving or possessing a firearm. One category listed is "has been adjudicated as a mental defective or who has been committed to a mental institution." Jennifer reported that once you are on the adjudicated mentally ill list you're on it permanently; there is no process to get off of

	<p>this list. She also reported that because of an incident in Virginia the federal government came out with the NICS Improvement Act and one of the major pushes is to clean up all of the data. A large emphasis was placed on doing a better job of collecting adjudicated mentally ill information from all states. In order to get compliance a grant program has been created which requires a process to allow someone to get off of this list. The feds have also said they may or may not impose a penalty on JAG funding in the future for noncompliant state and are not going to say how much they will impose if they choose to impose one. Jennifer noted the question is should a process be established to get persons taken off of the adjudicated mentally ill list and do they want to send all or some portion of their data to the federal NICS system. The Commission decided to have the Mental Health Initiative look at this issue.</p>
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<b>Agenda Item</b>	<b>Judicial Nominating Commissions</b>
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<b>Notes</b>	<p>Ron Gordon reported the Administrative Office of the Courts currently by statute provides staff support to the judicial nominating commissions around the state. These commissions are appointed by the Governor and each has seven members. The commissions receive all of the applications for judicial vacancies and decide which applicants will be interviewed and which names will be sent to the Governor. H.B. 289 transfers the staff support responsibility to CCJJ. He said this means starting on July 1, 2010 as soon as a judge announces retirement, CCJJ will make the announcement of the judicial vacancy, post the judicial vacancy, receive the applications, receive the reference form inquiries, provide staff support to the nominating commissions and then will continue with the work currently being done once names are sent to the Governor. Ron noted this change was not requested by the Governor's Office or the Courts; it was a policy change the Legislature thought was important and necessary. CCJJ is in the process of meeting frequently with the Administrative Office of the Courts to make sure they are ready to assume these responsibilities. Ron reported they are also in the process of promulgating the administrative rules that will govern the procedures of the nominating commissions; a draft of the administrative rules has been presented to the Judicial Council.</p>
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<b>Agenda Item</b>	<b>Disproportionate Minority Contacts</b>
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<b>Notes</b>	<p>Cuong Nguyen reported the mission of the Disproportionate Minority Contact (DMC) Committee is to eliminate the disproportionate representation of minority youth at all points of contact in the juvenile justice system. He said the definition of disproportionate is the rate of contact with the juvenile justice system between minority youth and white youth and the definition of minority is race and ethnicity categorized by federal government as American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander. He said there are nine points of contact in the juvenile justice system, 1) arrest, 2) referral, 3) diversion, 4) detention, 5) petition, 6) delinquent findings, 7) probation placement, 8) confinement in secure facilities, and 9) transfer to adult court. The strategy of the Committee is to identify key players who can contribute and make a difference on issues presented, form a DMC working group at local levels (Salt Lake, Utah, and Weber Counties) to assess and create intervention plans, and to identify "professional communities" to present findings statewide. Cuong also reviewed FY 2008 data.</p>
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<b>Agenda Item</b>	<b>General Discussion on Grants</b>
<b>Notes</b>	<p>Ron Gordon reminded the Commission of how they established priority areas for the last JAG RFP and asked them if they wanted to have a similar practice with other grants. He said this item was put on the agenda as an opportunity for them to provide feedback on grant issues in general. Dan Becker said ideally grants would be driven by what they are learning from the research being done. Clark Harms commented that one thing that would be helpful is to have a primer once a year to remind the Commission of what grants CCJJ oversees and where the money comes from. He said this would help them in deciding what grants should have priority areas. Dan Becker commented that he thinks they have a tendency to look at a particular grant category and deal with the individual applications that come in and it's almost driven by the process they need to follow for a particular grant funding stream. He said what may be more useful is to identify the things they want to accomplish as a criminal justice system and have staff tell them how they can use grant money to accomplish them. Camille Anthony suggested the Commission identify a handful of policy issues they want to address and have staff write grants to these policy areas; this would ensure that grants support research initiatives.</p>
<b>Next Meeting</b>	<b>The next meeting is scheduled for Thursday, June 10, 2010 from 12:00 p.m. to 2:00 p.m., at the State Capitol Complex, Senate Building, in the Copper Room.</b>