



2007 ANNUAL REPORT

DR. GARY Q. JORGENSEN, CHAIRMAN • HAROLD L. MORRILL, VICE CHAIRMAN

USAAV Mission and Duties

The Mission of the Utah Substance Abuse and Anti-Violence (USAAV) Coordinating Council is to provide a unified voice for the establishment of a comprehensive strategy to combat substance abuse, illegal drug activity, and violence. The Council’s statutory duties (§63-25a-203 through 207) are to:

- Provide leadership and generate unity for Utah’s ongoing efforts to combat substance abuse and community violence;
- Recommend and coordinate the creation, dissemination, and implementation of a statewide substance abuse and anti-violence policy;
- Facilitate planning for a balanced continuum of substance abuse and community violence prevention, treatment, and justice services;
- Promote collaboration and mutually beneficial public and private partnerships;
- Coordinate recommendations made by any subcommittees created by the Council;
- Analyze and provide an objective assessment of all proposed legislation concerning alcohol and other drug issues and community violence issues;
- Coordinate the implementation of the Drug Offender Reform Act (DORA);
- Monitor the use of alcohol funds annually distributed to municipalities and counties for purposes of alcohol-related law enforcement, prevention, treatment, detection, prosecution and control, to ensure compliance with the statute (§32A-1-115);
- Provide ongoing oversight of Utah’s Underage Drinking Prevention Media Campaign (S.B. 58 – 2006 General Session); and
- Report recommendations annually to the Governor, Legislature, Commission on Criminal and Juvenile Justice, and Judicial Council.

DORA Goes Statewide



In a move that fundamentally changes the

way Utah deals with substance abusing offenders, the 2007 Utah Legislature passed *S.B. 50 – Drug Offenders Reform Act*, by Senator Chris Buttars. The Drug Offender Reform Act, or DORA, addresses the root cause of much of the crime in Utah – substance abuse –

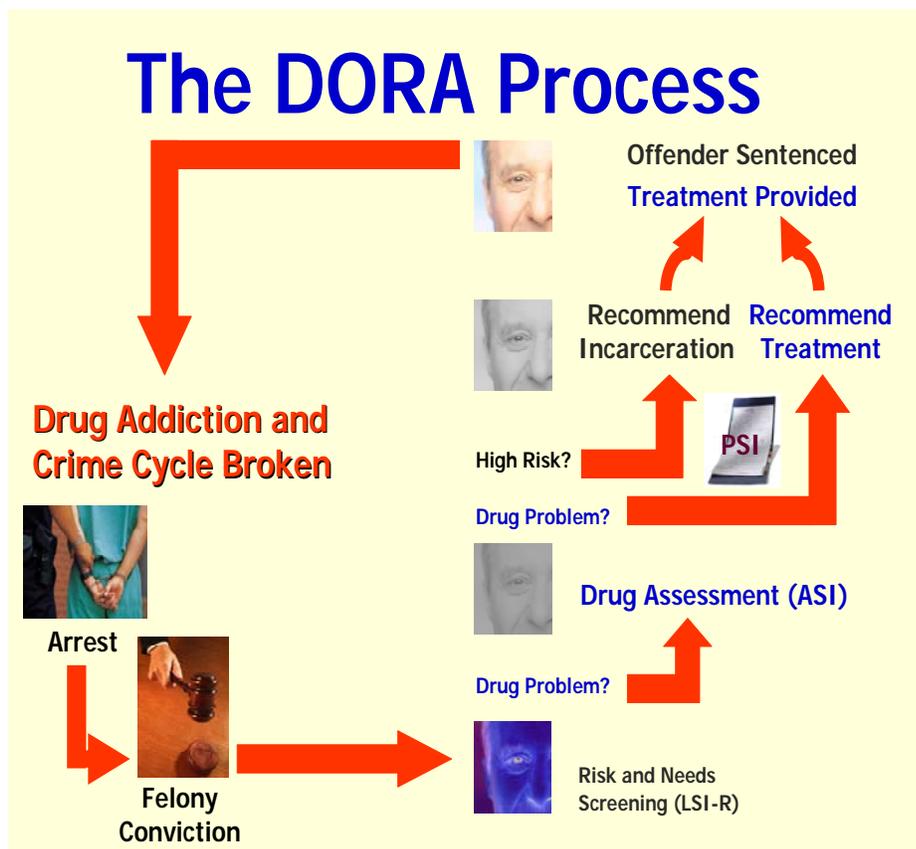
by requiring every offender convicted of a felony offense on or after July 1, 2007 to: participate in a screening prior to sentencing; participate in an assessment prior to sentencing if the screening indicates an assessment to be appropriate; and participate in substance abuse treatment if the assessment indicates treatment to be appropriate. S.B. 50 also appropriated \$8 million in ongoing funding for the statewide implementation of DORA, as

follows: \$24,000 to the Commission on Criminal and Juvenile Justice for administration, research, and evaluation; \$3,039,600 to the Department of Corrections for drug abuse treatment of offenders in prison and supervision of offenders placed in the community, including assessments, case management, and drug testing; \$4,850,000 to the Department of Human Services for drug abuse treatment of criminal offenders, including assessments,

case management and drug testing; \$50,400 to the Administrative Office of the Courts for court clerks; and \$36,000 to the Board of Pardons and Parole for processing and case analysis. The funding will increase to \$9 million beginning in FY 2009.

S.B. 50 directed the USAAV Coordinating Council to provide ongoing oversight of the implementation of DORA and to develop a plan for statewide implementation of the Act. USAAV established a DORA Oversight Committee, and Subcommittees on Research & Evaluation and Fiscal Accountability. The USAAV Council also approved the DORA plans submitted by the Department of Corrections and each of the 13 Local Substance Abuse Authorities.

As of November 5, 2007, the 13 Local Substance Abuse Authorities reported 317 offenders had received a substance abuse assessment and 181 offenders had been admitted to treatment through DORA-funded services.



“Not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, to make not a criminal but a worthy citizen.”
David J. Rothman

DUI in Utah

In calendar year 2006, Utah maintained the lowest rate of DUI-related traffic fatalities in the nation, at 23 percent; the average nationwide was 41 percent. During fiscal year 2007, there were 14,658 arrests for DUI in Utah, 520 more than the previous year. Seventy-nine percent of the arrestees were male; 11 percent were under the legal drinking age of 21; the average blood alcohol concentration was .14; and the highest BAC recorded was .41, over five times the legal limit!

Utah’s Justice Courts handled 83 percent of the DUI cases, with the District Courts handling 17 percent. Sixty-two percent of Justice Court DUI cases and 73

percent of District Court DUI cases resulted in a guilty plea or verdict.

The 2007 Utah Legislature passed *S.B. 4 – Driving Under the Influence Amendments*, by Senator Carlene Walker. This bill provides the court shall order an ignition interlock system as a condition of probation for an alcohol restricted driver violation; and requires the Driver License Division to immediately revoke, deny, suspend, or disqualify a person’s driver license upon a person’s conviction for operating a vehicle without an ignition interlock system if the person is an interlock restricted driver.

During 2007, the USAAV Council’s DUI Subcommittee continued its work to strengthen the state’s response to crimes involving driving under the

influence of alcohol and/or other drugs. The culmination of their work is proposed legislation for the 2008 General Session, as follows:

- Establish the plea of “impaired driving,” a class B misdemeanor to be used solely as a conviction reduced from a charge of driving under the influence of alcohol and/or other drugs. The plea is to be used in place of alcohol or drug-related reckless driving for negotiated pleas or for reductions used as an incentive for the completion of court-ordered requirements.
- Calculate the ten-year look back period for interlock restricted driver (IRD) and alcohol restricted driver (ARD) violations from offense date to offense date, instead of conviction date to conviction date.

- Add a definition of “drug” or “drugs” to the DUI statutes to mean “any substance that when taken into the human body, can impair the ability of a person to safely operate a motor vehicle,” so psychotoxic chemicals (inhalants) and other substances will be included for purposes of DUI.
- Broaden the venue of jurisdiction over individuals who tamper with ignition interlock devices to allow cities and counties to try offenders.
- Add persons under the legal drinking age of 21 to the definitions of “interlock restricted driver” and “alcohol restricted driver.”
- Increase the administrative impound fee from \$230 to \$330 on DUI violations.
- Amend the Not a Drop statute to address problems with individuals who fail to obtain the required assessment and recommendation for appropriate action from a substance abuse program.
- Appropriate funding to create the **Computer Expedited Arrest System to Eliminate (CEASE)** DUI in Utah.
- Appropriate funding to expand substance abuse intervention and treatment services for Utah youth.

For more information about DUI in Utah, the *Fifth Annual DUI Report to the Utah Legislature* may be found on the USAAV website at www.usaav.utah.gov.

USA AV Oversight of Local Government Alcohol Funds

In compliance with the Utah Code (§32A-1-115), USA AV oversees the utilization of beer tax monies appropriated annually to Utah’s municipalities and counties “for programs or projects related to prevention, treatment, detection, prosecution, and control of violations of [the Alcoholic Beverage Control Act] and other offenses in which alcohol is a contributing factor, [including] the confinement or treatment of

persons arrested for or convicted of offenses in which alcohol is a contributing factor”. Municipalities and counties that receive \$1,000 or more are required to submit an annual report to the USA AV Council, and failure to submit a

report by the October 1st deadline may result in withholding of funds. During FY 2007, municipalities and counties reported utilizing their alcohol funds as illustrated in the table below.

Use of Alcohol Funds by Local Governments in FY 2007	
DUI Law Enforcement	69%
General Alcohol-Related Law Enforcement	61%
Prosecution/Court Costs for Alcohol-Related Cases	31%
Treatment of Alcohol Problems	8%
Alcohol-Related Education/Prevention	47%
Confinement or Alcohol Law Offenders	12%
<i>Note:</i> Communities may use alcohol funds for more than one of the six categories outlined in the statute.	

2007 USA AV Governor’s Awards

Each year, the Utah Substance Abuse and Anti-Violence Coordinating Council honors individuals who have made outstanding contributions to Utah’s efforts to reduce substance abuse and violence. Five exemplary individuals were selected to receive 2007 USA AV Governor’s Awards.

Retired Representative Nora B Stephens, who served in the Utah House of Representatives from 1993 through 2000, was

recognized for her distinguished and gracious leadership and advocacy for substance abuse issues as a member of the Utah House of Representatives, co-chair of the Governor’s Council on DUI, and co-chair of the Utah Prevention Advisory Council. Nora B served as co-chair of Governor Leavitt’s Council on DUI from 1999 to 2002, and as co-chair of the Utah Prevention Advisory Council, USA AV’s Prevention Subcommittee, from 2002-2007.

Judge Michael Kwan, who presides over the Taylorsville Justice Court, was recognized for his pioneering effort to establish

the Taylorsville Justice Drug Court, and in celebration of his ten years of exceptional success in addressing substance abuse issues in the criminal justice system. Judge Kwan’s Justice Drug Court is modeled after the felony drug courts and has produced over 700 graduates since it was established. Judge Kwan serves on the USA AV Council as an expert in judicial issues.

Commissioner Bill Cox, member of the Rich County Commission and president of the Utah Association of Counties during 2007, was recognized for his

exceptional leadership to strengthen local involvement in addressing the methamphetamine issue in Utah, contributions to the creation of the Utah Methamphetamine Public Awareness Campaign, and distinguished service as co-chair of the Utah Methamphetamine Joint Task Force during 2007. Commissioner Cox is a member of the USAAV Council representing the Utah Association of Counties.

Commissioner Camille Cain, former member of the Weber County Commission, was recognized for her exceptional vision and leadership in fostering the partnership between state and

local agencies to address the methamphetamine issue in Utah, and distinguished service as co-chair of the Utah Methamphetamine Joint Task Force during 2006. Commissioner Cain was the driving force behind the proposal to Governor Huntsman for state agencies and the counties to work together on the meth issue, with the result being the formation of the Joint Task Force.

Verne Larsen, current Education Specialist for Safe and Drug-Free Schools and Communities Programs at the Utah State Office of Education, was recognized for his exceptional skills as an

educator and prevention program administrator, and enthusiastic modeling of the spirit of prevention in his professional work and personal lifestyle. Verne has been a part of Utah's substance abuse prevention efforts for 24 years, and served as a Prevention Education Specialist for Bear River Social Services before moving to the State Office of Education in 1992. Verne represents the State Office on the USAAV Council and is currently co-chair of the Utah Prevention Advisory Council, USAAV's Prevention Subcommittee.

Utah Substance Abuse and Anti-Violence Coordinating Council

Gaby Anderson

Utah Division of Juvenile Justice Services

Dan Becker

Administrative Office of the Courts

Pat Bird

Expert in Prevention Issues

Jerry Blackburn

Utah Domestic Violence Advisory Council

Craig Burr

Utah Department of Corrections

Senator Chris Butters

Utah State Senate

Louis Callister

Governor's Designee

Colonel Merrill Carter

Utah National Guard

Commissioner Bill Cox

Utah Association of Counties

Commissioner Scott Duncan

Utah Department of Public Safety

Fotu Katoa

Office of Ethnic Affairs

Dr. Gary Jorgensen, CHAIR

Citizen Representative

Judge Michael Kwan

Expert in Judicial Issues

Verne Larsen

Utah State Office of Education

Dr. Richard Melton

Utah Department of Health

Harold Morrill, VICE CHAIR

Expert in Treatment Issues

Mark Payne

Utah Division of Substance Abuse and Mental Health

Terry Russo

Citizen/Domestic Violence

Mayor JoAnn Seghini

Utah League of Cities and Towns

Chief Paul Tittensor

Expert in Criminal Justice Issues

Kirk Torgensen

Utah Attorney General's Office

Anna Kay Waddoups

Citizen/Substance Abuse

Sherm Watkins

Citizen/Gang Violence

Robert Yeates

Utah Commission on Criminal and Juvenile Justice

Council Staff

Mary Lou Emerson

USAAV Director

Monica Taylor

USAAV Assistant

2007 USAAV Subcommittees

Anti-Violence and Justice –
Scott Reed and Sherm Watkins, Co-Chairs

DUI – *Anna Kay Waddoups, Chair*

Prevention – *Nora B Stephens and Verne Larsen, Co-Chairs*

Treatment – *Harold Morrill, Chair*

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