

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, November 15, 2000 – 9:30 a.m. – Room 416 State Capitol

Members Present:

Sen. Michael G. Waddoups, Chair
Rep. David L. Hogue, Chair
Rep. Doug Aagard
Rep. Roger Barrus
Rep. Trisha Beck
Rep. Duane Bourdeaux
Rep. DeMar “Bud” Bowman
Rep. Perry L. Buckner
Rep. Nora B. Stephens

Members Excused:

Sen. Paula Julander

Members Absent:

Sen. L. Alma “Al” Mansell
Rep. Carl R. Saunders
Rep. Marlon O. Snow

Staff Present:

Ms. Chyleen A. Arbon, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Alicia Gambles, Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Committee Business

Chair Hogue called the meeting to order at 9:32 a.m.

MOTION: Rep. Bowman moved to approve the minutes of the October 18, 2000 meeting. The motion passed unanimously, with Rep. Beck, Rep. Bourdeaux, and Rep. Buckner absent for the vote.

2. Drug Board Pilot Project Report

Mr. Mike Sibbett, Chair, Board of Pardons and Parole, distributed and discussed the “Drug Board Pilot Project Report.” He indicated that the Board of Pardons and Parole has been working with the Department of Corrections and the Department of Human Services to establish the drug board pilot program which is designed to help parolees overcome their addiction to drugs. These three executive agencies are currently in the final stages of selecting a treatment provider which will account for the majority of funding for the project.

3. Drug Courts Report

Mr. Richard Schwermer, Assistant State Court Administrator, Administrative Office of the Courts, presented the drug courts report and indicated that H.B. 281 and S.B. 115 from the 2000 General Session appropriated \$1.5 million to the drug court effort from the Utah Tobacco Settlement Funds. He indicated that the three priorities of the funds were to maintain existing drug courts, fund new drug court proposals that demonstrate an understanding of the concept of drug court, and expand existing programs. He explained that the funds covered the first priority, but that there was not enough money to complete the second and third priorities.

Rep. Stephens asked if any of the drug courts have plans to work with alcohol abuse. Mr. Schwermer explained that the existing drug courts do not deal directly with alcohol abuse, but that there are other programs that use a similar approach in dealing with that problem.

4. CCJJ Crime Reduction Plan Report and Warrant Report

Ms. Camille Anthony, Executive Director, Commission on Criminal and Juvenile Justice (CCJJ), presented the "Crime Reduction Plan Report" to the committee. She indicated that the report is based on surveys sent to law enforcement agencies asking them to identify their statewide efforts addressing the following four areas: drugs and related crime, family and community violence, information technology, and system accountability. She stated that drug courts and drug boards are extremely important to the success of reducing drug activity in the state and the crime that is affiliated with it. She also indicated that CCJJ is changing the way in which crime data is collected in Utah by using NIBRS (National Incident Based Reporting System).

Ms. Anthony indicated that CCJJ has been involved in studying the issue of long-term cleanup of meth labs as directed by Rep. Tyler's H.J.R. 12, "Resolution Regarding Methamphetamine Lab Cleanup and Public Safety Standards and Programs," which passed in the 1999 General Session. She also stated that through the efforts of Rep. Stephens, in cooperation with the Lieutenant Governor, a DUI Task Force had been created which met during the 2000 interim period and presented recommendations to the legislature.

She reported on the continued expansion of the Serious Habitual Offender Comprehensive Action Program (SHOCAP). In this program law enforcement, schools, parents, and the juvenile court work together in a contract situation with youth that exhibit problem behavior. CCJJ is also in the process of using federal grant money to completely re-engineer the juvenile information system in a cooperative effort between CCJJ, juvenile court, and youth corrections. It is anticipated that the new system will provide enhanced information, easier access, and integrated information for all areas of the criminal justice system. Also, the information system in the Department of Corrections is close to being completed with federal grant money, which will provide data for research and evaluation. CCJJ has created a new Information Technology Subcommittee where individuals from every state department and local jurisdictions work collaboratively on communication between agencies for a more integrated information system.

5. Recommendations on UCI Business Park Legislation

Mr. Jim Smith, City Manger, Draper City, explained that Draper City is generally supportive of Utah Correctional Industries' (UCI) plan to create an industrial park at the prison. He indicated that the city is trying to build a positive working relationship with the prison, but it is concerned that the UCI Business Park will negatively impact the most valuable future development area in Draper and the surrounding communities. He expressed concern that the use of the UCI Business Park would

not be subject to local zoning. He proposed that the planning board be made up of two representatives from the city, two representatives from prison industries and corrections, and a fifth member appointed by the Salt Lake County legislative body.

Mr. Richard Clasby, Director, UCI, indicated that UCI has been challenged to be creative and find ways to employ offenders. The more jobs and training provided to offenders, the more likely they will succeed when released from prison.

Mr. Ken Nye, Program Director, Division of Facilities and Construction Management, explained that the property involved is state property and that his division has been given the role to oversee the use of state property. He indicated that the division is concerned over the issue of meeting the standards of Draper City and other adjoining municipalities. He stated that it would create a much higher standard and a broader requirement for any development in the state because each city has the authority to plan its own zoning ordinances.

6. Standards for Illegal Drug Lab Decontamination – Draft Legislation

Rep. A. Lamont Tyler discussed the draft legislation and indicated that the legislation directs the Department of Environmental Quality (DEQ) to establish performance and certification standards for inspectors and contractors for the decontamination of illegal drug manufacturing sites. It also directs the DEQ, in consultation with the Department of Health, to make rules for standards and best practices for inspection, decontamination, and disposal of contaminated debris. He stated that all other aspects of decontamination in the handling of illegal drug sites are left to the local health department. The bill provides for a listing of contaminated properties and gives the local health departments the authority to decontaminate or abolish the property. He requested that the committee endorse the draft legislation.

MOTION: Rep. Buckner moved to adopt draft legislation “Standards for Illegal Drug Lab Decontamination” as a committee bill. The motion failed, with Chair Hogue, Rep. Aagard, Rep. Barrus, Rep. Bowman, Rep. Buckner, and Rep. Stephens voting in favor and Rep. Beck and Rep. Bourdeaux absent for the vote.

7. Department of Corrections Program – Positive Behavior Reward System

Mr. Pete Haun, Executive Director, Department of Corrections, indicated that the new program embraces principles and core values of the administration and that the program provides real life experiences to incarcerated individuals.

Mr. Scott Carver, Director of Institutional Operations, Department of Corrections, discussed the positive behavior reward system program. He indicated that within the next year, over 2,400 offenders will be released into the community. The department hopes that each inmate has a positive experience with the program which will result in a change of behavior. He indicated that the program

creates responsibility and accountability, helping the department to achieve its mission of public safety. The program is designed to focus on positive behaviors rather than negative reinforcements.

Mr. Carver said that with the implementation of this new program, the department anticipates an increased involvement in education, job training, and treatment programs. The department also anticipates an overall reduction in recidivism which will provide a cost savings to the state. He said that the department will begin implementation of this program on January 1, 2001.

Sen. Waddoups asked if there are enough jobs available to the inmates so that they can earn the privileges available. Mr. Haun explained that it is a challenge that they are focusing on, but this program will help the department assess which inmates are willing to change.

Sen. Waddoups also asked if there will be any privileges earned by inmates in maximum security to motivate them toward good behavior. Mr. Carver said that there are currently many privileges for maximum security inmates, and the department will review and provide the incentives available in maximum security in an effort to motivate inmates to modify behavior.

8. Decriminalization Task Force Report

Rep. Bryan Holladay discussed S.B. 240, "Decriminalization of Traffic Offenses," from the 2000 General Session. He indicated that the bill allowed for Salt Lake City and West Valley City to continue a program of providing civil penalties for traffic violations and administrative traffic proceedings. He presented three recommendations from the task force: (1) reduce some class C misdemeanor penalties to infractions; (2) make no additional changes to allow the two-year program to proceed and see how it works for Salt Lake City and West Valley City; and (3) have the legislature, during the 2001 session, review the program and make recommendations to management. Rep. Holladay presented draft legislation that would reduce the class C misdemeanors to infractions.

9. Governor's Council on Driving Under the Influence Report

Rep. Nora Stephens reported on the Governor's Council on Driving Under the Influence. She indicated that the following subcommittees were assigned certain issues to study and make recommendations: Accountability, Public Awareness, Research and Assessment, Resources and Funding, and Sanctions. She introduced each subcommittee's recommendations and indicated the anticipation of future legislation. She commended the members of the council for their dedication to the state to try to decrease drunk driving and improve the current sanctions.

10. Other Items / Adjourn

MOTION: Rep. Beck moved to adjourn the meeting. The motion passed unanimously.

Chair Hogue adjourned the meeting at 11:36 a.m.