

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, October 24, 2001 – 2:00 p.m. – Room 416 State Capitol

Members Present:

Sen. D. Chris Buttars, Senate Chair
Rep. DeMar "Bud" Bowman, House Chair
Sen. Alicia L. Suazo
Sen. John L. Valentine
Rep. Douglas C. Aagard
Rep. Trisha S. Beck
Rep. Duane E. Bourdeaux
Rep. Patricia W. Jones
Rep. David Litvack
Rep. Loraine T. Pace
Rep. Brent D. Parker
Rep. Paul Ray
Rep. Jack A. Seitz

Members Absent:

Sen. Gene Davis
Sen. John W. Hickman
Rep. Rebecca D. Lockhart
Rep. Matt Throckmorton

Staff Present:

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

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Committee Business

Chair Bowman called the meeting to order at 2:25 p.m.

MOTION: Rep. Parker moved to approve the minutes of September 12, 2001. The motion passed unanimously, with Sen. Valentine, Rep. Bourdeaux, Rep. Litvack, and Rep. Ray absent for the vote.

2. Prohibiting Intimacy with Youth Receiving State Services – Draft Legislation

Sen. Paula Julander introduced the draft legislation and stated that it is similar to last year's bill dealing with adult inmates.

Ms. Susan Allred, Associate General Counsel, Office of Legislative Research and General Counsel (OLRGC), explained that the bill addresses the issue of inappropriate intimate conduct between a person in a position of authority and a youth in custody. She indicated that last year the Legislature passed a similar bill that dealt with adults in correctional facilities or in the custody of law enforcement, but this year the legislation concerns youth.

Ms. Robin Arnold-Williams, Executive Director, Department of Human Services (DHS), stated that the department endorses the bill. She indicated that currently employees can be terminated for these types of acts, but the department has never filed criminal charges.

Mr. Blake Chard, Director, Division of Youth Corrections (DYC), DHS, stated that the division has a problem with these situations, and the bill would help prevent problems in the future. He encouraged the committee to approve the legislation.

Mr. Gary Dalton, Chair, Utah Board of Juvenile Justice, stated that the board is very supportive of the legislation.

Mr. Paul Boyden, Prosecutors Association, stated that the association feels the legislation is a proper way to finish addressing this issue after passing the bill in the 2001 General Session relating to adults.

Ms. Mimi Cruz, spokesperson for Unbroken Trust Child Advocacy Club, asked if offenders convicted of these crimes will go on the sex offender database. Ms. Allred indicated that the crimes in the bill are already the type of offenses for which a person must be registered.

MOTION: Rep. Ray moved to recommend draft legislation "Prohibiting Intimacy with Youth Receiving State Services" as a committee bill. The motion passed unanimously.

3. Transfer of Youth Services Oversight – Draft Legislation

Mr. Chard indicated the specific changes that were made to the legislation since the last interim meeting.

Rep. Bourdeaux indicated his concern with moving Youth Services under DYC. He questioned whether services would remain at the same level when forced to compete with the funding for secure care. He recommended that the issue be discussed further.

Ms. Pat Berkman, Director, Salt Lake County Division of Youth Services, stated that the Youth Services Advisory Council has carefully studied this issue for the past year and believes that the change of oversight would improve the process statewide.

Mr. Dalton indicated that Rep. Bourdeaux's concerns are very appropriate, but that the Legislature has funded receiving centers in the past, and it is a natural transition that is appropriate for the time.

MOTION: Sen. Valentine moved to recommend draft legislation "Transfer of Youth Services Oversight" as a committee bill and requested that he be recorded as the second sponsor on the bill. The motion passed, with Rep. Bourdeaux voting in opposition.

4. Substantiated Child Abuse List Amendments – Draft Legislation

Sen. Buttars introduced the draft legislation and explained that the act amends the Human Services code and adds definitions for various terms.

Mr. Paul Hess, Associate General Counsel, OLRGC, explained the legislation and described how the process would work if the legislation were passed.

Ms. Gerry Gregor, Board of the Division of Child and Family Services, presented the new Child Protective Services (CPS) policy and stated that the policy has been studied for the last year and that is probably one of the best policies she has ever seen because it leads the case worker step-by-step in the process. She indicated that

it is very important that the children are not left at risk and that the best interests of the parent and the child are taken into consideration.

Ms. Cindy Fletcher, Social Worker, stated that the Division of Child and Family Services (DCFS) bypasses several constitutional rights. She related a story about her son and the way DCFS dealt unfairly with him. She stated that DCFS should not victimize people in its attempt to protect others.

Rep. Beck asked for clarification on who can access the private records. Ms. Arnold-Williams indicated that the records are only checked by licensed staff in the department. She emphasized that the providers do not have access to the list.

Ms. Annette Call asked if the legislation would be retroactive and include previous cases. Chair Bowman stated that legislation is not retroactive, unless it is specifically stated.

MOTION: Rep. Beck moved that the committee go on to the next agenda item.

SUBSTITUTE MOTION: Sen. Buttars moved to recommend draft legislation "Substantiated Child Abuse List Amendments" as a committee bill.

Sen. Buttars withdrew his substitute motion.

The committee returned to the original motion of Rep. Beck, adding that the issue be the first item on the agenda at the November interim meeting. The motion passed unanimously.

Rep. Pace requested that the committee receive a copy of the CPS policy.

Chair Bowman asked Sen. Buttars to chair.

5. Public Safety Bureau Name Change – Draft Legislation

Rep. DeMar Bowman presented the draft legislation and indicated that the legislation would change the name of the Criminal Investigations Bureau to the State Bureau of Investigation.

Mr. Earl Morris, Deputy Commissioner, Department of Public Safety, stated that the name change is essential to more accurately reflect the philosophy of the current public safety administration.

MOTION: Rep. Bowman moved to recommend draft legislation "Public Safety Bureau Name Change" as a committee bill. The motion passed unanimously, with Sen. Valentine, Rep. Bourdeaux, and Rep. Ray absent for the vote.

Rep. Bowman returned as chair.

6. Law Enforcement Database Integration – Draft Legislation

Rep. Ty McCartney indicated that based on recent developments with the budget he has decided to hold the legislation for an additional year. He indicated that it is still essential and necessary to help the public safety system and requested that the committee discuss and support the legislation next year.

Rep. Beck asked Rep. McCartney to explain what he had envisioned with the legislation. He indicated that the legislation would have enabled the sharing of information among law enforcement agencies.

Chair Bowman expressed his appreciation to Rep. McCartney for his service on the committee.

7. Evaluation of Utah's Substance Abuse Treatment Programs – Report

Mr. Marvin Dodge, Administrator, Utah Substance Abuse and Anti-Violence Coordinating Council, gave an overview on research done regarding the effectiveness of drug courts throughout the state. He indicated that funds have been granted from the Center of Substance Abuse and Treatment which will provide federal dollars to help pay for experts to study the cost-effectiveness of programs.

Mr. Mike Haddon, Director of Research, Commission on Criminal and Juvenile Justice, discussed the research process to determine the efficacy of drug courts in Utah. The research showed that the drug court program is cost-effective.

8. Sex Offender Treatment and Department of Corrections Strategic Plan

Mr. Mike Chabries, Executive Director, Department of Corrections, presented the department's 6-month report that identifies the following priorities: investing in its employees, community and institutional safety, and helping offenders succeed.

Rep. Trisha Beck stated that last year the Council for Sexual Victims and Offenders recommended increased funding for sex offenders, but the Legislature did not fund it.

Mr. Ed McConkie, Utah Sentencing Commission, indicated that the plan was to increase treatment capacity so that the Board of Pardons and Parole could parole only those who had completed treatment in prison.

Mr. Scott Carver, Director of Institutional Operations, Department of Corrections, stated that only about 70 percent of all offenders are treated in prison. He said that approximately 26 percent will leave prison without treatment, but will have a requirement from the Board of Pardons and Parole to receive treatment while in the community.

Ms. Peggy Burdett, citizen, testified about her nephew that is currently in prison waiting for treatment. She stated that there are many inmates that have gone to the parole board without receiving treatment. She indicated that if the inmates have not had therapy, it is highly likely their stay will be extended. She requested that the committee study electronic monitoring, indicating that it is more economical.

Ms. Lavon Eisenhower, citizen, testified about her husband that is currently in prison for a parole violation. She said he has been treated as if he were a new offender. She requested that more intensive therapy be given to offenders so they may return home where they are needed.

Mr. Mike Sibbett, Chair, Utah Board of Pardons and Parole, indicated that sex offenders that do not receive treatment do more time in prison. He stated that the board primarily looks at the risk to the community and works with the Department of Corrections to screen out those offenders that should receive therapy before being paroled. He indicated that the major issue is money. He said that only half of one percent of those paroled in the last three years have returned to prison for a related sex offense, which shows the board's good screening process.

Rep. Beck asked if it would be better to provide the treatment early so that the inmates are not in prison for so long wasting tax dollars. Mr. Sibbett indicated that it would be more cost-effective, but that they cannot give therapy to everyone unless there are more funds made available.

Mr. Jesse Gallegos, Department of Corrections, indicated that it was determined that the treatment program was very effective, but funding is the main issue.

Rep. Beck indicated that a committee bill would be opened regarding funding for sex offender treatment.

9. Methamphetamine Treatment Update

Mr. Pat Fleming, Director, Division of Substance Abuse, DHS, indicated that the number one crime problem in Utah is drugs. He made three recommendations to the committee: (1) develop four pilot projects statewide that provide treatment to women and their dependent children; (2) continue to develop treatment programs which require close collaboration between law enforcement and treatment, such as drug courts, drug boards, and community-based treatment for the offender population; (3) add substance abuse treatment to the Access to Health Care and Coverage Task Force study list.

10. Other Items / Adjourn

MOTION: Rep. Parker moved to adjourn the meeting. The motion passed unanimously, with Sen. Suazo, Sen. Valentine, Rep. Beck, Rep. Bourdeaux, and Rep. Ray absent for the vote.

Chair Bowman adjourned the meeting at 5:10 p.m.

