

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, October 23, 2002 – 9:00 a.m. – Room 416 State Capitol

Members Present:

Sen. D. Chris Buttars, Chair
Rep. DeMar "Bud" Bowman, Chair
Sen. John W. Hickman
Sen. John L. Valentine
Rep. Douglas C. Aagard
Rep. Trisha S. Beck
Rep. Duane E. Bourdeaux
Rep. Patricia W. Jones
Rep. Rebecca D. Lockhart
Rep. Loraine T. Pace
Rep. Brent D. Parker

Rep. Paul Ray
Rep. Jack A. Seitz
Rep. Matt Throckmorton

Members Absent:

Sen. Gene Davis
Sen. Alicia L. Suazo

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 by contacting the committee secretary, Alicia Laughlin, at 538-1032.

1. Committee Business

Chair Buttars called the meeting to order at 9:10 a.m.

MOTION: Sen. Valentine moved to approve the minutes of the September 18, 2002 meeting, with the correction that he was present at September's meeting. The motion passed unanimously, with Sen. Davis, Sen. Hickman, Sen. Suazo, Rep. Aagard, Rep. Beck, Rep. Lockhart, Rep. Seitz, and Rep. Throckmorton absent for the vote.

2. Salt Lake Metro Gang Unit

Rep. Ty McCartney introduced Lt. Andy Burton, Detective Brett Magleby, Detective Jason Mazuran, and Detective Kerry Fowler from the Salt Lake Metro Gang Unit (SLMGU). Each of the SLMGU officers gave part of the presentation "Salt Lake Metro Gang Unit." The presentation included an overview of the SLMGU, an overview of the Serious and Habitual Offender Comprehensive Action Program (SHOCAP), the relationship between gangs and drugs in Utah, and how gangs have changed in Utah over the last decade. Rep. McCartney asked the Committee to please keep in mind the information presented when considering legislation in the next General Session.

Ms. Diane Torres, Salt Lake City School District, indicated that the school district has been fortunate to have very successful gang intervention programs in its schools. She requested that the current programs be expanded to prevent children from becoming involved in gang activity.

3. Criminal Penalties for Drug Distributors

Mr. Ed McConkie, Executive Director, Commission on Criminal and Juvenile Justice (CCJJ), gave a brief overview of Utah's current criminal penalties for drug distributors and discussed the effectiveness of those penalties.

4. Criminal Penalties for Drug Users

A. Report on Intermediate Sanctions

Mr. McConkie addressed the intent language of S.B. 1, "Appropriations Act," from the 2002 General Session and indicated that CCJJ has studied how costs can be reduced by further implementing intermediate sanctions without compromising public safety.

Mr. Michael R. Sibbett, Chair, Board of Pardons and Parole, distributed and presented "Utah's National Drug Board Pilot Program."

Judge William B. Bohling, 3rd District Court, Salt Lake County, introduced Mr. Gary Dalton, Director, Salt Lake County Criminal Justice Services, and distributed and presented "Mental Health Court Pilot Year."

Mr. Dalton indicated that the mental health court is a very cost-effective response to a complex problem and that a mental health court should be created in each district if possible.

Mr. Ron Gordon, Director, Sentencing Commission, indicated that the Commission supports the use of intermediate sanctions as an alternative to incarceration for non-violent offenders. He referred to the Sentencing Commission's report in the mailing packet and emphasized that intermediate sanctions do not preclude jail or prison time. Mr. Gordon concluded that when used correctly, intermediate sanctions accomplish the purposes of the criminal justice system and effectively address the needs of the offender without compromising public safety.

Mr. Mike Haddon, Director of Research, CCJJ, distributed "Assessing Programs Designed to Reduce Recidivism." He indicated that the benefit-cost analysis model can be used to determine if criminal justice intervention programs are cost-effective.

Dr. Richard Fowles, Professor of Economics, University of Utah, indicated that the purpose of the benefit-cost analysis model is to determine how much programs actually cost tax payers in net terms.

B. Drug Treatment for Drug Users

Mr. Leon PoVey, Chair, Utah Substance Abuse and Anti-Violence Coordinating Council, indicated that drug courts are successful and identified three potential areas of funding for drug courts: a beer tax increase, tobacco settlement funds, and drug forfeiture programs. He recommended that the Legislature continue to provide drug treatment options for drug offenders rather than adopting a mandatory treatment policy as other states have done.

Judge James Shumate, Presiding Judge, St. George District Court, indicated that drug courts are effective and requested that the Committee not take away the court's ability to incarcerate drug court participants when necessary.

Judge Jon Memmott, Farmington District Court, indicated that state tobacco money is used for his drug court because the court did not receive a grant. He could not finish his presentation because he had laryngitis.

5. Other Items / Adjourn

The Committee discussed possible legislation to be considered at the next committee meeting.

MOTION: Sen. Hickman moved to adjourn the meeting. The motion passed unanimously, with Sen. Davis, Sen. Suazo, Rep. Beck, Rep. Jones, and Rep. Lockhart absent for the vote.

Chair Buttars adjourned the meeting at 11:50 a.m.