

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
APPROPRIATIONS SUBCOMMITTEE  
Room 25 House Building  
February 3, 2012**

**Members Present:** Sen. Daniel Thatcher, Co-Chair  
Rep. Eric K. Hutchings, Co-Chair  
Rep. Christopher N. Herrod, House Vice Chair  
Sen. Ben McAdams  
Sen. John L. Valentine  
President Michael G. Waddoups  
Rep. Joel K. Briscoe  
Rep. Richard Greenwood  
Rep. Curtis Oda  
Rep. Paul Ray  
Rep. Jennifer M. Seelig  
Rep. Brad R. Wilson

**Members Excused:** Sen. Peter C. Knudson  
Sen. Howard A. Stephenson

**Staff Present:** Mr. Gary Syphus, Fiscal Analyst  
Ms. Jennifer Eyring, Committee Secretary

**Note:** A list of visitors and a copy of handouts are filed with the committee minutes.

Co-Chair Thatcher called the meeting to order at 8:06 a.m.

Gary Syphus, Fiscal Analyst, noted that the Commission on Criminal and Juvenile Justice (CCJJ) had provided a handout that contained information requested in the previous meeting. He gave an overview of the budget and issues briefs for the Department of Public Safety. The department's budget has 7 line items: Programs and Operations, Driver License, Highway Safety, Peace Officer Standards and Training (POST), Liquor Law Enforcement, Disaster Recovery Fund, and Emergency Services. Mr. Syphus highlighted the DNA Specimen Account issue as found in the Programs and Operations budget brief. The analyst recommends that \$515,000 be appropriated to the State Crime Lab from the DNA Specimen Account. He also explained the issue concerning E-911 Funding. He recommends that \$104,900 mistakenly appropriated to the Department of Public Safety be transferred to the Department of Technology Services.

Joe Brown, Administrative Services, Department of Public Safety, clarified that the E-911 General Fund-Restricted Account is funded through charges on phones.

Mr. Syphus pointed out the loss of the Chemical Stockpile Grant in the Emergency Management budget brief. Since all chemical munitions have been destroyed, those funds will no longer be coming from the federal government. The state has used some of that funding for other emergency management efforts. He also noted that funding for Liquor Law Enforcement has changed from the general fund to a percentage of alcohol sales, so the budget brief amount is zero. The DNA Specimen Account is a restricted account

that also receives money from the general fund. The funds are then used by both the Department of Public Safety and the Courts.

Jay Henry, Director, State Crime Lab, explained that specimens can be taken at the time of arrest or upon conviction, but the fees are usually collected upon conviction. He felt the way the system is currently set up makes it difficult to track fee collection. They are currently working on a new software program that will track the specimen and fee collection, or partial collection.

Rep. Greenwood expressed concern that if the courts waive the fee too frequently, it hurts the Crime Lab budget. He requested more information that would show if there was a disproportional amount of waived fees in adult court.

Derek Byrne, Budget Manager, Courts, stated that the fee is often waived in the case of an impecunious offender, more often in juvenile court than in the district courts. The juvenile court administrators have been looking into the issue. He said that the Courts' systems are able to track the number of waived fees. He also clarified that the Courts portion of the DNA Specimen Account comes only from collected fees and not any of the general fund appropriations. He said that in the past they have not collected enough fees to cover their costs.

Mr. Syphus discussed the Driver License budget brief. He explained his recommendation for the Public Safety - Transportation Restricted Account. The Analyst recommends reducing the ongoing appropriations in the Driver License line item by \$1.5 million from the Public Safety - Transportation Fund Restricted Account, and a one-time transfer of \$3 million from their non-lapsing balance to the Public Safety - Transportation Restricted Account. He also recommends the committee reassess budget activity within the line item in the 2013 General Session.

### **Department of Public Safety**

Lance Davenport, Commissioner, Department of Public Safety, acknowledged his staff and reviewed a handout that highlights some of the notable accomplishments in the Highway Patrol, Forensic Services, Driver License, and Highway Safety. He stated that the request for one-time funding, as found on the "Executive Offices and Criminal Justice Building Blocks" page are to keep up with critical needs.

Mr. Syphus stated the Analyst recommendation was to approve non-lapsing authority and allow the department to use those funds to cover one-time requests.

Mr. Davenport discussed the Highway Patrol Aero Bureau helicopters. He stated they have flown 140 hours of search and rescue, 65 - 70 hours of law enforcement, and about 500 hours for other agencies, for which they have been compensated. He also said that 45 people had been rescued during the past year. In response to committee questions, he said they do not know how many rescues occur in situations where people have been negligent, but currently, the general budget pays for all rescues. They have looked for the best way to pay for the rescues.

Sen. Valentine said that in his experience in Utah County, only a very few rescues are for negligent situations.

Mr. Davenport said that when used for law enforcement, helicopters are utilized in severe situations, such as in a manhunt. They also have a limited use in surveillance due to budget restrictions.

Rep. Greenwood noted that the Department of Transportation also has an aero bureau and suggested the state may not need both. Sen. Valentine said that the audits he had read showed that the University of Utah was the major user of King Air.

Mr. Syphus explained the Utah Immigration Accountability and Enforcement requests on the "EOCJ Building Block" page. It refers to the guest worker program that was passed in the 2011 Legislative session. The requested amount is the projected cost should the program be implemented. The program was designed to be self operating, but the projected cost is for start up.

Joe Brown, Administrative Services, Department of Public Safety, said they would have to create a separate division to operate the program because it would be too large to add to an existing division. He said it was estimated that 80,000 workers would be processed each year.

Mr. Syphus said the estimated numbers come from the LFA economists, who estimate 100,000 to 200,000 undocumented people in the state. They estimated that 40,000 to 80,000 would apply for the program.

Mr. Brown said that July 1, 2013 is the start up date in the law, and the costs to start up the program are large. When the program is operational, fees would be charged that would cover the ongoing operational costs.

Rep. Hutchings acknowledged the tremendous effort the Department has made with limited resources. He noted their performance data that illustrated improved efficiencies and improved public safety. He especially acknowledged that 21 troopers had been physically hit and injured. He said there are safety measures that could be put in place to protect the troopers if they had more staff.

Mr. Davenport added that an additional two troopers were involved in a gun battle, and they feel very fortunate they have not lost any troopers.

Rep Hutchings also discussed the funding shortfall for the Crime Lab. He expressed his concern that the cuts have been very deep and urged the committee carefully consider that funding when they prioritize.

Mr. Henry said that if the DNA specimens are properly preserved, they are quite stable, but the problem lies in getting the testing done and the results to the investigator or prosecutor.

**MOTION:** Sen. McAdams moved to approve the minutes of the January 25, 2012 meeting. The motion passed unanimously with Rep. Briscoe, Rep. Ray, and Rep. Wilson absent for the vote.

**Division of Juvenile Justice Services (DJJS)**

Susan Burke, Director, Division of Juvenile Justice Services, introduced Chris Roach, Deputy Director, and Rick Platt, Administrative Services Director. A packet of information was provided to the committee. Ms. Burke discussed three division goals: 1) Improve short-term and long-term outcomes for youth, 2) Strengthen partnerships, and 3) Improve safety, security and morale of our youth and employees. The division has worked to establish baseline performance measures for each program. Goals and outcomes are illustrated on pages 2 through 9 in the packet. She highlighted the 12 receiving centers throughout the state that meet the needs of the youth while law enforcement officers return to their duties. She stated they have completed an inventory of over 135 intervention and treatment programs. The next step is to develop a stronger framework to assure provided interventions are grounded in evidence based practices. They have a partnership with the University of Utah Criminal Justice Research Center. Ms. Burke said volunteers have provided over 65,000 hours of service and over \$340,000 of in-kind supplies. They are expanding a successful youth mentoring program at the Wasatch Youth Center. They have a partnership with the University of Maryland's Center for Excellence in Education. She also discussed recidivism data compared to other states. Ms. Burke explained how they use performance standards to improve the feeling of safety for the youth in facilities. Page 10 in the packet gives an overview of their budget based restructuring efforts. She noted the loss of federal funds under the Medicaid restructuring. The client population has declined slightly and they have closed 40 secure beds and 32 detention beds. She further discussed the possibility of closing the Weber detention center and the impact it has when youth are detained farther from home.

Ms. Burke said their funding priorities are 1) Genesis Camp with a request of \$1.6 million ongoing funds, and 2) Early Intervention Services with a request of \$2.5 million ongoing funds. She said they serve 1600 kids each day and requested the committee maintain the JJS budget at the current level.

MOTION: Rep. Ray moved to adjourn the meeting. The motion passed unanimously with Sen. McAdams, Sen. Waddoups, and Rep. Wilson absent for the vote.

Sen. Thatcher adjourned the meeting at 9:54 a.m.

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Sen. Daniel W. Thatcher, Co-Chair

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Rep. Eric K. Hutchings, Co-Chair