

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 5, 2013**

Members Present: Sen. Daniel Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Keven J. Stratton, House Vice Chair
Sen. Curtis S. Bramble
Sen. Jim Dabakis
Sen. Mark B. Madsen
Sen. Stuart C. Reid
Rep. Rich Cunningham
Rep. Richard Greenwood
Rep. Craig Hall
Rep. Brian S. King
Rep. Merrill F. Nelson
Rep. Curtis Oda
Rep. Jennifer M. Seelig

Excused: Sen. Ralph Okerlund
Rep. Gregory H. Hughes

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

Note: A list of visitors and a copy of handouts are filed with the committee minutes.
An audio recording of the meeting can be found at www.le.utah.gov.

Sen. Thatcher called the meeting to order at 8:10 a.m.

Unfinished Business

Gary Syphus, Fiscal Analyst, provided information concerning the average monthly Probation and Parole Offender Counts.

Utah Sheriff's Association

Brent Gardner, Executive Director, Utah Association of Counties, stated that about 15 counties have built or expanded facilities to be used for jail contracting. In 2007, the Legislature established a daily jail contracting rate of 70% of the State's daily incarceration rate. If funded, that rate would be about \$56 per day. Currently the counties are receiving \$46.85 per day. Counties have been working with the committee and others to increase that amount. He said counties are willing to expand jail contracting if needed by the state.

Reed Richards, Deputy Weber County Attorney, spoke representing the Utah Sheriff's Association. He said about 20 counties are participating in jail contracting and it is a benefit for both large and rural counties. He also would like to see the jail contracting rate increased.

Rep. Hutchings gave the background of how the jail contracting rate was established.

Mr. Richards requested the committee consider funding additional jail contracting beds, raising the jail contracting rate by about \$2 per day, and increasing funding for treatment programming. Treatment programs are usually contracted out and paid for by both state and county funds.

Rep. Hutchings reminded the committee that there will be many discussions over the coming year about possibly moving the state prison and that a good working partnership with counties is critical. He invited committee members to become involved in the process. He also reiterated that contracts with county jails are serious and binding, and that counties rely on the funding.

Mr. Richards suggested that as regional prisons are discussed, the idea of counties building and operating those regional facilities be considered.

Mr. Gardner said they agree with the Analyst budget recommendations for additional beds and programming, but would like the committee to consider the \$2 per day increase in the jail contracting rate.

Cameron Noel, Beaver County Sheriff, said Beaver County has the largest jail contracting program in the state. He feels their drug and alcohol programming is very effective and produces a very low recidivism rate. The amount the programs are funded by the state is not sufficient to cover their costs. He stated that inmates are not necessarily housed to be close to their families, but are assigned by classification and the programming needs of the inmate.

Leland Pollock, Garfield County Commissioner, and Chair, Joint Jails Committee, Utah Association of Counties, emphasized that the counties have a proven track record with jail contracting and have saved the state around \$18.6 million during the past year. He would like the counties to be considered as regional prisons are discussed.

Rep. Greenwood said it would be a benefit to all to raise the jail contracting rate \$2 per day. He also suggested looking at funding additional treatment programming through a portion of the alcohol sales revenue that has been set aside for drug and alcohol treatment programs.

Rep. Michael Noel spoke about the background and success of the jail contracting program. He said the programming reduces recidivism and helps inmates make the changes they want in their lives. He also pointed out counties have helped the state's bonding capacity because the bonds are held by the counties. He stated that he is currently working on a House Joint Resolution that would address how they would like to move forward on a new prison plan. A maximum security facility will always be needed to house level 1 and level 2 inmates, but county facilities could house levels 3, 4, and 5 inmates. He encouraged the continued incremental increase in jail contracting rates.

Audience members who came representing counties were asked to stand and be recognized.

Mike McKee, Uintah County Commissioner, spoke about their county facility and the associated costs as they relate to jail contracting.

Mike Haddon, acting Executive Director, Department of Corrections, stated that inmate levels 3, 4, and 5 can be housed in county jail facilities, but they are capped at contracting 1,592 beds because of funding levels. He said he would like the referral process to become more streamlined.

Sen. Thatcher relinquished the Chair to Rep. Hutchings.

Courts

Mr. Syphus gave an overview of the Courts Budget Briefs: 1) Jury, Witness, and Interpreter Line Item, 2) Contracts and Leases, 3) Grand Jury, and 4) Administration. Guardian ad Litem is also a line item under the Courts, but will be addressed at a later meeting. The Jury, Witness, and Interpreter line item is the only one that is allowed to run a deficit. Under the Administration line item, the Analyst recommendation to approve building blocks of \$157,400 for Federal funds was explained.

Dan Becker, Court Administrator, clarified that the FTE chart on the Contracts and Leases Budget Brief represents one maintenance person.

Mr. Syphus continued the discussion of the Administration line item. The Analyst recommends the Legislature fund \$160,000 ongoing funds for E-filing programming should new funding become available.

In response to committee questions, Mr. Becker said that the Jury, Witness, and Interpreter line item has increased in large part to a rise in the need for interpreters. He also stated that crime filings trend down in recessionary times, but civil cases have spiked.

Mr. Syphus reviewed the Courts Performance Issue Brief.

Mr. Becker and Ray Wahl, Deputy Court Administrator, provided a handout to the committee that outlined the Courts' presentation.

Workload and Performance

Charts in the handout illustrate court filing levels. He noted the spike in civil filings during the recession and a reduction in juvenile delinquency cases during that same period. He felt the lower delinquency cases could be due in large part to law enforcement officers prioritizing other things. Child welfare cases continue to rise. Additional charts show a weighted workload as a percent of a standard workload. Weighted workloads take into consideration the amount of time a case takes for a judge to handle. District and Juvenile Courts have a caseload slightly above 100% of the standard. The 8th District Court currently has a workload of 150% above standard in District Court and 194% above standard in Juvenile Court. The average age of pending cases and case clearance rates have shown improvement. Another factor in lower juvenile delinquency rates could be programs that have been put into place. Juvenile recidivism rates show 70% of first time offenders do not return before the courts.

Progress Report on Last Year's Commitments

The new business model has been implemented without additional staff. The Clerk of Court operations has been reorganized around the electronic based system. It is a team based system, where personnel are advanced according to demonstrated competency. The transition to electronic records is nearing completion. The payment system is moving towards more electronic payments. The electronic transcript system has lowered the average time to receive a transcript from 138 days to 20 days. Case management has improved and the Courts are continually looking to improve the efficiency of the courts.

Mr. Wahl described the working relationship between Juvenile Justice Services and Juvenile Courts.

Budget Requests

Mr. Becker reviewed the Courts budget requests for FY 2014. They have requested \$252,000 for additional law clerks. Law clerks affect case management and allows for the efficient use of judges' time. They have also requested \$160,000 for Information Technology for the final stage of electronic implementation.

Utah Courts Performance Measures

Performance measures can be accessed at www.utcourts.gov/courtools. The "Access and Fairness in the Courts" survey and the "Public Trust and Confidence in the Courts" survey were highlighted. Time standards for disposition of cases for all courts were illustrated with accompanying percentages of goal completion.

Other Business

Mr. King said the requested agency contact list had been sent by email to the committee.

MOTION: Rep. Stratton moved to adjourn the meeting. The motion passed unanimously with Sen. Bramble, Sen. Dabakis, Sen Madsen, Rep. Greenwood, and Rep. Hall absent for the vote.

Sen. Thatcher adjourned the meeting at 9:55 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair