

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
January 30, 2015**

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. Jani Iwamoto
Sen. Scott K. Jenkins
Sen. Ralph Okerlund
Rep. Rich Cunningham
Rep. Sophia DiCaro
Rep. Brian S. King
Rep. Merrill F. Nelson
Rep. Curtis Oda
Rep. Angela Romero
Rep. V. Lowry Snow

Staff Present: Mr. Gary Syphus, Fiscal Analyst
Ms. Clare Tobin Lence, Fiscal Analyst
Ms. Jennifer Eyring, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Co-Chair Hutchings called the meeting to order at 8:10 a.m.

Base Budget Review: Analyst Presentation and Agency Response

2. Commission on Criminal and Juvenile Justice (CCJJ)

Ms. Clare Tobin Lence, Fiscal Analyst, provided an overview of the purpose, programs, and funding history as found in the Compendium of Budget Information (COBI).

Co-Chair Hutchings emphasized that most of the funds in the CCJJ budget are pass through funds which go on to other agencies.

Ms. Lence explained the FY 2015 Supplemental appropriation of \$200,000 as found in S.B. 6 Executive Offices and Criminal Justice Base Budget. It is a technical correction to appropriate funding previously approved. Items in the Budget Effectiveness Review for consideration as reductions include Criminal Justice Research, Extraditions Expenditures, and Judicial Performance Evaluation Commission Data Processing. Building Block requests include one-time General Fund funding for Factual Innocence payments on two cases (required by statute), increased federal funding authorization under VOCA (federal Victims of Crime Act), and a one-time request for funding from the Criminal Forfeiture Restricted Account for the purchase of body cameras for the Utah Highway Patrol.

Mr. Ron Gordon, Executive Director, assisted by Dave Walsh, Deputy Director, responded to the 2%

reduction options stating that a reduction in criminal justice research funds would have a negative effect on their ability to conduct research; extraditions are lower right now, but that number varies from year to year; and a reduction for the Judicial Performance Evaluation Commission would work in the short run, but would impact the ability to implement the new Justice Court evaluation program.

Mr. Gordon discussed their Building Block requests. The request for appropriations for Factual Innocence payments includes a FY 2015 supplemental appropriation for initial payments already made on two cases and a FY 2016 one-time appropriation for the remaining quarterly payments on those two cases. The appropriation should be made non-lapsing. The request for VOCA funding is authorization to receive the additional Federal Funds available due to an increase in the spending cap. These funds amount to an additional \$13.9 million (above the \$4.2 million already received under VOCA) and would be used for program purposes as authorized under the Victims of Crime Act. A request for \$1 million one-time funding for the purpose of purchasing body cameras for the Utah Highway Patrol from the Criminal Forfeiture Restricted Account was discussed. Mr. Gordon affirmed that the funds are available, but authorization to use them is needed. There will be future costs in maintaining the cameras and data.

Mr. Gordon discussed the "Utah Commission on Criminal and Juvenile Justice - Justice Reinvestment Report". He noted that the Initiative has been a broad scope effort by many people who have used data driven information to devise 18 policy recommendations. The long range forecast of prison population growth is expected to be significantly less if the recommendations are put into place. Projections are that it will save the taxpayers at least \$542 million over the next two decades. It is also anticipated that there will be better outcomes. CCJJ recommends that a portion of the savings from averted prison costs be reinvested into expanded programs and services. In response to committee questions, Mr. Gordon stated that two grant programs were discontinued so the funding could go to the Crime Victim Reparations Fund, and that Medicaid expansion would provide additional mental health funding. He noted that there is a recommendation to change simple drug possession to a misdemeanor. The unmet need in the state public provider system is over 80% for mental health and substance abuse disorder services. Mr. Gordon reiterated that policy recommendations were carefully scrutinized and approved unanimously. An up front investment of funds will be necessary to implement policy changes, but they expect improved outcomes and cost savings in the long run.

3. Department of Corrections

Mr. Rollin Cook, Executive Director, introduced Mike Haddon, Deputy Director, and provided a handout, "Department Overview, Issues, and Budget Request", which included background information, Department response to the Budget Effectiveness Review options, and detailed budget requests. He gave an overview of the Department's background, vision, mission, staff, facilities, and inmate numbers. The top five primary offenses of those in prison include registered sex crimes, property crimes, personal crimes, murder, and alcohol and drugs. He pointed out that all types of crimes are influenced by alcohol and drugs. Eighty to ninety percent of those housed have an alcohol or drug addiction. Community supervision and Adult Probation and Parole (AP&P) were discussed, noting that caseloads are high for parole officers. The Department provides institutional programming and medical services and is the largest mental health provider in the state. Utah Correctional Industries (UCI) is working to improve quality, reduce competition problems with the private sector, and continues to work with State agencies on using UCI products. Mr. Cook stated that there was a rise in the prison population at the same time that mental health facilities were closing and that prison is not the best place to treat mental illness. The

Justice Reinvestment Initiative addresses that problem, along with developing a matrix to be more consistent in sentencing across the state.

Mr. Haddon spoke about the change in the evaluation period before sentencing, agreeing that judges need some form of diagnostic evaluation before sentencing.

Committee members expressed concern about the difficulties encountered by those who leave the prison system and are trying to re-establish their lives.

Mr. Cook continued his presentation explaining the various bureaus and highlighting staff accomplishments and innovative changes.

Mr. Haddon discussed prison trends and felony probation trends. The Department is not requesting additional bed space this year, but project it will be needed in 2017. There has been a sharp increase of felony offenders under community supervision, placing a strain on AP&P staff. He stated there will be benefits if the entire Justice Reinvestment package is put in place and funded and that within two years they could see up to a 900 bed decrease in the prison population. Mr. Haddon emphasized that the Department has reallocated funds internally and has effectively already made budget reductions. Additional reductions would put the Justice Reinvestment Initiative that much more behind.

Mr. Gary Syphus, Fiscal Analyst, discussed Department items found in the COBI. Over 95% of their funding is from the General Fund. The following options under the Budget Effectiveness Review were explained: DORA (Drug Offender Reform Act) - AP&P Supervision Funding; Streamline Duplicative Medical Claims Processing; Maximize Draper Food Purchases; Beaver County Jail Treatment Funding; Jail Contracting Rate; Corrections Medicaid Leverage; and Maximize Drug Court Medicaid Funding.

Mr. Haddon responded to questions about reducing DORA funding by saying that the new program in the Justice Reinvestment Initiative will be effective. It was felt the DORA program was duplicated by other service providers, and all levels of service improved.

Mr. Syphus clarified the DORA study compared DORA services to regular Adult Probation and Parole results.

Mr. Haddon addressed each item on the Budget Effectiveness Review as outlined in their handout. He stated that PEW did a thorough evaluation and found that DORA was effective, but not a cure for all the needs to be addressed. A budget reduction to DORA would reduce the number of AP&P officers who are already overloaded. He added that the Department had addressed and implemented many of the recommendations. Secondary food purchases are on hold for the Draper facility due to prison relocation plans. Medicaid claims are currently being processed by the Department of Health, with negotiations underway to process all claims. The county jail contracting rate is already below statute and it was felt it should not be reduced. The Department is working closely with Beaver County to improve their jail programming and would like to improve the program and not eliminate it. Medicaid leveraging is already being done and it is in the budget. The funds leveraged have helped meet ongoing shortfalls in the medical line item. The Department agrees that Drug Courts are very effective, but explained they are targeted towards a certain population and often those people would go on probation and not into the prison system.

Mr. Cook addressed the first Building Block request of \$4,341,800 ongoing funding for Staff Compensation. He pointed out that the jobs are stressful and that correctional officers and Sergeants are on average paid less than their counterparts in Salt Lake, Utah, and Weber counties.

Mr. Haddon spoke about the request for Operational Costs for West 1 Prison Facility at Gunnison. The facility is projected to become operational in FY 2017, but the process of hiring and training new staff will begin in FY 2016. The request is for \$2.9 million for FY 2016, with a full operational cost of \$8 million when it is opened. The ongoing budget request for the Justice Reinvestment Act includes: Mental health service for the inmate population - \$1,045,100; Community treatment (AP&P) - \$1,805,900; Treatment agents (AP&P) - \$988,000; Community Transition Specialist - \$893,000; and Office Specialists - \$604,000. The one-time budget request includes: Parole Access to Recovery - \$600,000; Jail Treatment - \$400,000; and Training - \$40,000. The Department is requesting \$1,208,000 ongoing funding for Jail Contracting "Gap" Funding. This fund addresses additional contract jail space in county facilities. The Department is also requesting \$1,000,000 ongoing funding for a Jail Contracting Rate Increase. This would increase the current bed day rate from \$47.85 to \$49.34.

Mr. Cook spoke about opportunities to incorporate new approaches to manage and rehabilitate offenders, use new technology, and provide better security with the planned relocation of the prison. He also complimented the employees who work for the Department and reiterated the stress they work under everyday, at modest pay levels.

Mr. Kelly Atkinson, Executive Director, Fraternal Order of Police, spoke about the change that has taken place under Mr. Cook. He said Mr. Cook listens to employees and shows interest in them and their families. Under the direction of Mr. Cook, a compensation committee was established that developed a new salary schedule. He added that it would take \$45 million to pay Department employees at the same rate as comparable employees in other agencies. He expressed gratitude for increased funding and asked the committee to continue to fund incremental improvement in salary levels.

Mr. Todd Losser, Executive Director, Utah Public Employees' Association, said he had also been involved with the compensation committee and fully supports recommendations given.

Sheriff Cameron Noel, Beaver County Sheriff's Office, disagreed with the assessment of the Beaver County jail programming. He felt they have a successful program that serves inmates from around the state and provides them tools to be successful as they leave incarceration. He said many have had long term addictions and not all of them are successful. He also stated they agree with the budget requests.

5. Adjourn

MOTION: Sen. Jenkins moved to adjourn. The motion passed unanimously with Sen. Bramble, Sen. Okerlund, and Rep. Cunningham absent for the vote.

Co-Chair Hutchings adjourned the meeting at 10:52 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair