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December 5, 2017

President Wayne L. Niederhauser
Speaker Gregory H. Hughes
Utah State Legislature
Salt Lake City, UT 84114

Dear President Niederhauser and Speaker Hughes:

The Executive Offices and Criminal Justice Appropriations Subcommittee is pleased to report our actions during the 2017 Interim. You asked us to reach a conclusion and be prepared to report on the following topics:

1. Base Budgets
2. Juvenile Justice Reform
3. Juvenile Justice Facilities Status (capacity, costs, etc.)
4. Effect of Mental Competency on Criminal Justice System and Budget (potentially how this relates to the State Hospital)
5. Offender Population (Prison and Parole Violator Center Operation Status, Capacity, Relation to AP&P etc.)
6. Status of Building Block requests (unfilled v. filled etc. – note: this is largely covered during the fiscal note follow-up report)
7. Board of Pardons and Parole – Electronic Records System Review

You also asked us to do some budget “deep dives” as appropriate under item 1, Base Budgets.

Following is our report on the items you asked us to study.

1. Base Budgets

The Subcommittee reviewed base budget information - specifically in the budget deep dive exercise and the Fiscal Note and Budget Item Follow-up Report (see item #6) among others. We reviewed budget deep dive information for the following budget areas:

- **Jail Reimbursement Program.** Staff presented on the jail reimbursement program and discussed options and recommendations. The Subcommittee deliberated these including budget structure program changes.
- **Driver License Division (DLD).** Among other things, the Subcommittee reviewed outcome measures, cost/unit measures, strategic plan, potential immediate and future needs, and budget options going forward. Due to lack of a quorum, the Subcommittee took a “straw poll” of those members in attendance which indicated support that:

- The DLD generate improved outcome measures to help better determine if public safety is improved; and
- The DLD generate adequate cost/unit measures (to better determine cost/unit such as the processing cost to produce a commercial driver license).

The subcommittee further considered options for balancing the DLD budget with restricted funds but did not indicate a specific position.

- **Justice Reinvestment Initiative.** The Subcommittee met jointly with the Social Services Appropriations Subcommittee on the afternoon of October 18 to discuss remaining budget needs and funding options. Staff recommendations were discussed and passed by the Social Services Subcommittee. The EOCJ Subcommittee indicated support for these recommendations (via straw poll due to lack of quorum) that:
 - The Department of Corrections and the Commission on Criminal and Juvenile Justice (CCJJ) set aside the approximately \$334,000 in unexpended FY 2017 JRI funds, and that the Executive Offices and Criminal Justice (EOCJ) Subcommittee consider a one-time reallocation of those funds during the 2018 General Session;
 - If the Utah Association of Counties or any other entity submits a funding request for substance use disorder and mental health treatment related to JRI in a future General Session that they, in coordination with the Division of Substance Abuse and Mental Health (DSAMH), provide to the Social Services (SS) Subcommittee an updated estimate of the per-person cost and the number of individuals requiring treatment based on historical data since the start of JRI, as well as describing how changes to the Medicaid program due to H.B. 437 (2016 General Session) impacted that estimate; and
 - The Drug Offender Reform Act (DORA) Oversight Committee report to both the EOCJ and SS Appropriations Subcommittees about the demand for and outcomes of the DORA program by the 2018 General Session, in order to provide the Legislature with the necessary information to consider repurposing the funds.

- **Bureau of Criminal Identification (BCI).** The Subcommittee reviewed and deliberated various issues and recommendations including BCI's mission, budget structure, performance measures, grant processing and funding options going forward. Short of a quorum the subcommittee members in attendance indicated support that:
 - BCI change their mission statement to more accurately reflect legislative intent;
 - BCI annually report on up to 3 key performance measures that better determine success toward desired outcomes in this mission statement;
 - CCJJ improve grant process to ensure proper grant submission (that affect BCI);
 - CCJJ ensure that they maximize National Criminal History Improvement Program (NCHIP) grant awards including the consideration of awards in other states (like-size and all other states); and
 - BCI Move NCHIP Grant funding into the BCI program budget structure.

The subcommittee further discussed potential BCI changes but did not make any indications of consensus position and may take further action during the 2018 General Session.

2. JRI/Jail Treatment Funding

Please see item 1 “Justice Reinvestment Initiative”.

3. Juvenile Justice Reform

The Subcommittee indicated support that staff monitor the Governor’s budget for additional budget needs and related to this reform, and if not requested by the Governor, present them as building blocks during the 2018 General Session.

4. Effect of Mental Competency on Criminal Justice System and Budget (potentially how this relates to the State Hospital)

The Subcommittee heard a report on the resolution of a lawsuit related to individuals waiting for forensic competency restoration services from the State Hospital. Appropriations during the 2017 General Session for a jail-based unit helped facilitate a settlement.

5. Offender Population (Prison and Parole Violator Center Operation Status, Capacity, Relation to AP&P etc.)

CCJJ gave a status report on offender populations in the June 20 meeting and also an update during the joint October 18 meeting with the Social Services Appropriations Subcommittee.

6. Status of Building Block requests (unfilled v. filled etc. – note: this is largely covered during the fiscal note follow-up report)

The subcommittee heard the staff presentation on and discussed the Fiscal Note and Budget Item Follow-up Report and indicated support to set aside relevant EOCJ unspent funds identified in the report on a list for potential reallocation.

7. Board of Pardons and Parole – Electronic Records System Review

During the June 20 meeting, the Board of Pardons and Parole reported on progress on the legislative audit recommendation to “Implement an electronic records management system” and related appropriation to transition their paper-based electronic system into an electronic-based system. Also, a select group of subcommittee members visited the Board of Pardons and Parole office to better observe and examine the current state of their operation - specifically their transition to an electronic-based record system.

8. Juvenile Justice Facilities Status (capacity, costs, etc.)

The Subcommittee heard presentations in the September 19 meeting from the Division of Juvenile Justice Services on capacity and costs for juvenile detention centers. The division also discussed plans for the Wasatch Multi-use Facility and the possibility of reducing operational expenses. The Subcommittee indicated support that the Division of Juvenile Justice Services create a formalized strategic plan and report to the subcommittee next interim.

In addition to the items you asked us to study, we studied and in some cases indicated a position on the following:

1. **Utah Communications Authority (UCA).** UCA presented on and subcommittee indicated acceptance of the statutorily required report (63H-7a-206) on the public safety communication network strategic plan submitted by the Utah Communications Authority.
2. **State Treasurer.** After an update and request from the State Treasurer to change how they intend to spend specific funds for Unclaimed Property, the subcommittee indicated acceptance of the change from their explanation from the 2017 General Session.
3. **Lieutenant Governor's Office.** The Lt. Governor updated the subcommittee on the cost estimate for the special election during the July 26 meeting.
4. **Sex Offender Treatment Program Legislative Audit.** As assigned by the Legislative Audit Committee, the Subcommittee reviewed the recent legislative audit on the Sex Offender Treatment Program including a presentation from the Office of the Legislative Auditor General (OLAG) and a response and update from the Department of Corrections.
5. **Joint EOCJ and SS Subcommittee Cross-Committee Issues.** In addition to those previously mentioned, the Subcommittees also discussed the cross-committee issues of: suspension of Medicaid coverage for incarcerated individuals and funding needs for mental health crisis response.
6. **Tour of the State Crime Lab.** As part of the October 30 meeting, the Subcommittee toured the recently opened Utah State Crime Lab.

Upon formal confirmation by the subcommittee, we request that legislative leadership approve those indicated positions mentioned above that the subcommittee worked on during the Interim in the Executive Offices and Criminal Justice Base Budget appropriations bill or in the New Fiscal Year Supplemental Appropriations Act.

Sincerely,

Chairs of the Executive Offices and Criminal Justice Appropriations Subcommittee.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair

Rep. Bruce R. Cutler, Vice Chair